

PUBLIC REVIEW DOCUMENT



DCD, CAMDS, TOCDF NOV #0601001 SETTLEMENT DOCUMENTS

PUBLIC COMMENT PERIOD
September 7, 2006 TO October 6, 2006

PUBLIC NOTICE

NOTICE

The Utah Solid and Hazardous Waste Control Board is reviewing a proposed Consent Decree between the Deseret Chemical Depot (DCD), the Chemical Agent Munitions Disposal System (CAMDS), the Tooele Chemical Agent Disposal Facility (TOCDF) and the Office of the Utah Attorney General to resolve Notice of Violation (NOV) (No. 0601001) issued on March 9, 2006. The TOCDF has requested that the Board allow settlement of this NOV through a Judicial Consent Decree. DCD and CAMDS concur with this form of settlement.

The public comment period for this proposed Consent Decree will begin on September 7, 2006, when the notice is published in the Salt Lake Tribune, Deseret Morning News, and the Tooele Transcript Bulletin. The comment period will end October 6, 2006. A copy of the Consent Decree and all related documents will be available for public review throughout the comment period during normal business hours, or outside of normal business hours with prior arrangement, at the following location:

Utah Department of Environmental Quality
Division of Solid and Hazardous Waste
288 North 1460 West, 4th Floor
Salt Lake City, Utah 84116

A copy of the Consent Decree and all related documents will also be available for public review throughout the comment period during normal business hours at the following location:

Tooele Chemical Stockpile Outreach Office
54 South Main Street
Tooele, Utah 84074

A courtesy copy of the Consent Decree and associated documents are available on the Division of Solid and Hazardous Waste, Chemical Demilitarization Section web page at the following address: http://www.hazardouswaste.utah.gov/CDS/CDS_PVA.htm

Written comments will be accepted until 5:00 p.m. on October 6, 2006, and should be submitted to:

Dennis R. Downs, Executive Secretary
Utah Solid and Hazardous Waste Control Board
Division of Solid and Hazardous Waste
P.O. Box 144880
Salt Lake City, Utah 84114-4880

For further information, contact Tom Ball of the Utah Division of Solid and Hazardous Waste at (801) 538-6170. In compliance with the Americans with Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at 536-4413 (TDD 536-4414) at least five working days prior to the end of the comment period.

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DRAFT CONSENT DECREE

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IN THE THIRD JUDICIAL DISTRICT COURT, DIVISION I
TOOELE COUNTY, STATE OF UTAH

The Utah Solid and Hazardous Waste Control
Board,

Plaintiff,

vs.

The United States Department of the Army,
Deseret Chemical Depot; the Chemical
Materials Agency, an agency of the United
States Department of the Army; and EG&G
Defense Materials, Inc.

Defendants.

CONSENT DECREE

Civil Case No. _____

CONSENT DECREE

I. RECITATIONS

WHEREAS, the Executive Secretary of the Utah Solid and Hazardous Waste Control Board issued a Notice of Violation and Compliance Order, No. 0601001 (NOV/CO), dated March 9, 2006, to the United States Department of the Army, Deseret Chemical Depot (DCD), the U.S. Army Chemical Materials Agency (CMA), and EG&G Defense Materials, Inc. (EG&G) (collectively Defendants) which alleged certain violations of the Utah Solid and Hazardous Waste Act, Utah Code Ann. §§ 19-6-101 et seq.

WHEREAS, Plaintiff Utah Solid and Hazardous Waste Control Board (Plaintiff or the Board) and Defendants agree that settlement of these matters without litigation is in the best interests of the parties and the public, and the entry of the CONSENT DECREE is an appropriate means of resolving this action.

NOW THEREFORE, before the taking of testimony, without trial or admission of any issue of fact or law, and upon consent of the parties, it is hereby ordered, adjudged and decreed that:

II. JURISDICTION AND VENUE

1. The Board has filed a Complaint in this matter.
2. The parties agree that for purposes of entry and enforcement of this CONSENT DECREE this Court has jurisdiction over the subject matter of this action and over the parties to this action pursuant to Utah Code Ann. §§ 19-6-112 and 78-3-4. Venue is proper in this district pursuant to Utah Code Ann. § 78-13-2.

III. PARTIES

3. The Board is a policymaking board within the Department of Environmental Quality, created by Section 19-1-106, Utah Code Ann. The Board is responsible for administering Utah's hazardous waste regulatory program.

4. The DCD is the owner and Permittee of the Chemical Agent Munitions Disposal System (CAMDS) located in Tooele County, Utah.

5. The DCD is the owner and a Co-Permittee of the Tooele Chemical Agent Disposal Facility (TOCDF) located in Tooele County, Utah. The CMA is an agency of the United States Department of the Army, and is an operator and Co-Permittee of TOCDF.

6. EG&G is a Utah Corporation doing business in Tooele County, Utah and is an operator and Co-Permittee of TOCDF.

IV. GENERAL PROVISIONS

7. The DCD is a U.S Army facility located in the State of Utah. The CAMDS, the TOCDF, and Area 2 and Area 10 Storage Areas are located at DCD.

8. DCD, CMA, and EG&G are each "persons" as defined in UCA 19-1-103(4) and are subject to all applicable provisions of the Utah Solid and Hazardous Waste Act (the Act) and of the Utah Administrative Code R315 (the Rules).

9. The DCD, CAMDS, and TOCDF generate, treat, and store wastes defined as hazardous by R315-2 of the Rules. The wastes include, but are not limited to, D001, D002, D003, D004, D005, D006, D007, D008, D009, D010, D011, F002, F003, F005, F999, and P999.

10. The DCD is permitted for storage of hazardous waste in containers and waste piles in buildings located in five areas of the facility and is subject to applicable generator requirements and a Part B Hazardous Waste Storage Permit issued on April 1, 1993, then re-issued on January 25, 2005. The Permit for DCD was originally issued to the Tooele Army Depot - South Area. Subsequently, the name was changed to Deseret Chemical Depot.

11. The CAMDS has two permitted incinerators for the treatment of hazardous waste, seven tank systems for the storage and treatment of hazardous waste, and several miscellaneous treatment units for the treatment of hazardous waste. CAMDS is subject to applicable generator requirements and a Part B Hazardous Waste Storage and Treatment Permit issued on September 24, 1999. The Part B Permit for CAMDS was issued to the United States Department of the Army, Deseret Chemical Depot.

12. The TOCDF has four permitted incinerators for the treatment of hazardous waste, three tank systems for the storage and treatment of hazardous waste, and several miscellaneous treatment units for the treatment of hazardous waste. TOCDF is subject to applicable generator requirements and a Part B Hazardous Waste Storage and Treatment Permit issued June 30, 1989 and re-issued May 3, 2004. The Permit for the TOCDF is issued to Department of the Army/Deseret Chemical Depot (DOA/DCD) (Facility Owner, Facility Co-Permittee), the U.S. Army Chemical Materials Agency (CMA) (Facility Co-Permittee, Facility Co-Operator) and EG&G (Facility Co-Permittee, Facility Co-Operator).

13. Authorized inspectors (inspectors) of the Board conducted Compliance Evaluation Inspections of the DCD, CAMDS, and TOCDF between September 2004 and September 2005. Additionally, the facilities submitted reports and letters documenting self-

discovered non-compliances with their permits and other applicable rules and regulations. The findings documented at the DCD, CAMDS, and TOCDF during these inspections and in the reports of self-discovered non-compliances resulted in the issuance of a Notice of Violation and Compliance Order (NOV/CO) on March 9, 2006. The NOV/CO alleges violations by the DCD, CAMDS, and TOCDF of the Act, the facilities' Permits and applicable rules.

14. The findings denoted in paragraph seven of NOV/CO No. 0601001 on which the alleged violations are based are quoted below:

7.1 R315-3-4.3 of the Rules [40 CFR 270.42] requires a Permittee to submit a Class 1 permit modification within seven calendar days after a Class 1 change is put into effect.

In a letter dated February 10, 2005, DSHW Tracking Number 05,00729, TOCDF reported a failure to submit a Class 1 Permit Modification request within the required seven days.

7.2 R315-5-3.34 of the Rules [40 CFR 262.34] allows a generator to accumulate hazardous waste on site without a permit for up to 90 days, provided that the waste is placed in containers, in tanks, on drip pads, or in containment buildings.

Containers of waste must have accumulation dates and the words "Hazardous Waste" clearly visible on the container and must be closed when waste is not being placed in the container. For waste stored in containers, the generator must comply with applicable portions of R315-7-16 [40 CFR 265 Subpart I], R315-7-10 [40 CFR 265 Subpart C], and R315-7-11 [40 CFR 265 Subpart D].

(a) During inspections of the CAMDS facility, DSHW inspectors documented the following instances of failure to containerize hazardous waste:

(1) On May 22, 2005, a DSHW inspector documented one container of hazardous waste that had F999 hazardous waste residue on the outside of the container.

(2) In September of 2005, DSHW inspectors observed F999 residue on the outside of a container of hazardous waste and on a beam in the DFS room.

(3) On August 7, 2005, CAMDS inspection logs document that CAMDS inspectors observed and documented hazardous waste in the form of caustic on the floor and on a pump in the Brine Drying Area (BDA).

(4) On August 11, 2005, CAMDS inspection logs document that CAMDS inspectors observed and documented hazardous waste in the form of caustic on the floor grate in the MPF.

(5) On August 2, 2005, CAMDS inspection logs document that CAMDS inspectors observed and documented hazardous waste in the form of ash residue in a burn basket.

(6) On August 24, 2005, in Compliance Related Finding (CRF) Number T8245-b, CAMDS inspectors documented the presence of hazardous waste in the form of loose ash material in a burn basket, trays containing loose ash in a wooden box (see item c below), and waste lab materials including sodium hydroxide, nitric acid, and hydrochloric acid.

(7) On August 24, 2005, CAMDS inspectors documented in CRF Number R8245-a, that a rag contaminated with decontamination solution, an F999 hazardous waste, was found in a container of non-hazardous waste.

(8) On August 24, 2005, CAMDS inspectors documented in CRF Number R8245-b, hazardous waste in the form of ash located in a wooden box in the tank farm.

(9) On August 26, 2005, CAMDS inspectors documented in CRF Number C8265B, hazardous waste from a burn basket in the MPF 90-day area that had not been placed in a hazardous waste container.

(10) On September 6, 2005, CAMDS inspectors documented in CRF Number D965a, hazardous waste in the form of caustic buildup and residue on the decon line, floor and wall in the Explosives Containment Cubicle (ECC).

(11) On September 9, 2005, in CRF Number C9095A, CAMDS inspectors documented the presence of hazardous waste in the form of residue in burn baskets located in front of the Explosives Treatment Facility (ETF) and the Lewisite building, and caustic on the floor of the DFS room.

(12) On August 30, 2005, a DSHW inspector observed two DAAMS station manifolds in a wastebasket. Upon investigation, it was determined that these manifolds were a hazardous waste. CAMDS personnel escorting the inspector immediately removed the manifolds from the wastebasket and placed them in a hazardous waste container.

(13) On August 20, 2005, CAMDS inspectors documented in CRF Number C8205A, a hazardous waste drum with no lid and waste hanging out of the drum.

(b) During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented the following occasions where incorrect accumulation start dates were discovered on containers of hazardous waste:

(1) On August 18, 2005, CAMDS inspection logs document that CAMDS inspectors observed and documented six containers of hazardous waste with incorrect accumulation start dates.

(2) On September 2, 2005, CAMDS inspectors documented in CRF Number C9025A that two drums of hazardous waste had incorrect accumulation start dates.

(3) On September 3, 2005, CAMDS inspectors documented in CRF Number C9035A that one drum of hazardous waste was observed with an incorrect accumulation start date.

(c) During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 31, 2005, CAMDS inspectors documented in CRF Number T8315-a that on August 24, 2005, a wooden box containing trays of loose ash was discovered. The box had no lid and was not labeled or dated. Inspectors generated CRF Number T8245-b in order to properly manage the waste. CRF T8315-a then documents that a lid was placed on the box and secured with a screw, but the box was still not labeled or dated.

(d) In a letter dated April 6, 2005, DSHW Tracking Number 05.01388, TOCDF reported that on March 29, 2005, a container of hazardous waste with an accumulation start date of June 12, 2004, was discovered in a 90-day storage area.

(e) In a letter dated April 29, 2005, DSHW Tracking Number 05.01703, TOCDF reported that on April 20, 2005, TOCDF inspectors discovered non-containerized hazardous waste in three locations within the Munitions Demilitarization Building (MDB).

(f) During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on September 8, 2005, CAMDS inspectors documented in CRF Number D985a that 90-day storage area C7085P did not have all of the equipment required by the regulations for preparedness and prevention and that there was no contingency plan for the area.

(g) During the CEI at TOCDF, DSHW inspectors documented several occasions where TOCDF personnel failed to properly inspect a 90-day area where waste is generated. An MDB Generated Waste Tracking Form shows that a container of waste with tracking number WT4330-03 was generated on November 25, 2004 in 90-day area F01HYD. This form also shows that the container was removed from the area on February 23, 2005. However, DSHW inspectors reviewed inspection logs for this area and discovered on five occasions between the two dates listed above that facility inspectors did not record the container number on inspection logs.

7.3 R315-8-3.3 of the Rules requires the owners and operators of hazardous waste management facilities to have in place a device capable of summoning external emergency assistance such as a telephone.

During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on September 6, 2005, CAMDS inspectors

documented in CRF Number D965c that the telephone in the Ventilated Storage Area (VSA) was not working.

7.4 R315-8-5.3 of the Rules [40 CFR 264.73] requires the owner/operator to keep a written operating record containing a description and the quantity of hazardous waste, methods and dates of treatment, storage, or disposal and the location of each hazardous waste within the facility and the quantity at each location.

(a) During the CEI at the CAMDS in September of 2005, DSHW inspectors documented that waste glass was removed from drum number A0063 and placed into drum number C7046O0516402. CAMDS personnel were unable to locate any records indicating the creation of tracking documents for drum number C7046O0516402 or documents tracking the existence of this drum.

(b) In June of 2005, DSHW inspectors requested copies of the operating records for the treatment of GB-contaminated Demilitarization Protective Ensemble (DPE) suits for both Material Decontamination Chamber 2 (MDC2) units at the CAMDS facility. These records were compared to records of containers of GB DPE suits generated at the TOCDF and subsequently treated at CAMDS in the MDC2 units. The comparison of records revealed a number of discrepancies including 18 containers of suits from the TOCDF inventory that do not appear anywhere in the CAMDS operating records and 27 containers of suits documented as being treated in the MDC2 units that do not appear in the TOCDF inventory.

(c) During inspections of the CAMDS facility on February 18, 2005, and February 22, 2005, DSHW inspectors documented that operating records for waste

incinerated in Burn Basket 07 with Basket Control Number 0504803 on February 17, 2005, incorrectly identified the waste as being “Wood, Paper, Cloth, Tape” when it was actually metal. Inspectors also documented that tracking numbers for containers were not properly entered on tracking documents.

(d) During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, CAMDS inspectors documented in CRF Number C8245B that the operating record for Toxic Maintenance Facility (TMF) tank T-2 did not accurately reflect the amounts of hazardous waste stored in the tank. This same document also indicated that the operating record for TMF tank T-1 did not include the dates for at least two occasions where waste was added to the tank.

(e) While reviewing operating records for the CAMDS storage facilities collected during the CEI in September of 2005, DSHW inspectors documented several entries in the records that do not have waste codes for the waste in storage.

(f) During the CEI at TOCDF on September 22, 2005, DSHW inspectors documented that on several MDB Generated Waste Tracking Forms, operators had failed to record the Burn Tray Numbers for waste processed through the MPF.

7.5 R315-8-9.4(a) of the Rules requires that owners and operators of hazardous waste management facilities keep containers of hazardous waste closed during storage, except when it is necessary to add or remove waste.

(a) During inspections at DCD, DSHW inspectors documented the following occasions when containers of hazardous waste were not kept closed during storage:

(1) On June 2, 2005, a DSHW inspector observed a container of hazardous waste in Building 1835 that was not closed.

(2) On September 11, 2005, DSHW inspectors documented six open containers of hazardous waste in Building 1835. One cardboard container had metal banding around it that had cut a hole in the container. Five cardboard containers had tape that had failed, allowing the tops of the containers to open.

(b) During inspections of the CAMDS facility, DSHW inspectors documented the following occasions when containers of hazardous waste were not kept closed during storage:

(1) On May 22, 2005, a DSHW inspector documented two containers of hazardous waste that were not closed.

(2) In September of 2005, a DSHW inspector reviewing inspection logs documented eight occasions where the CAMDS had containers of hazardous waste in storage that were not properly closed.

7.6 R315-13-1 of the Rules [40 CFR 268] allows the owner or operator of a treatment, storage or disposal facility to store hazardous waste restricted from land disposal for up to one year.

During the CEI on September 7, 2005, DSHW inspectors observed and documented two containers of hazardous waste in the CAMDS permitted storage areas that had exceeded the one-year storage time limit allowed under the Land Disposal Restriction regulations.

7.7 Condition I.D.4 of the CAMDS Part B Permit requires the Permittee to request a modification to the CAMDS Part B Permit and receive approval for the modification from the Executive Secretary prior to implementing the modification.

During an inspection of the CAMDS facility on February 28, 2005, a DSHW inspector documented that the CAMDS had been using a version of the CAMDS Part B Permit that had not been approved by the Executive Secretary. The CAMDS submitted a permit modification request in March of 2004, but the request was not approved by the Executive Secretary until August 11, 2005. However, the CAMDS incorporated the changes into versions of the permit maintained at the facility prior to this approval.

7.8 Condition I.L. of the CAMDS Part B Permit requires the Permittee to, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures.

(a) During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector observed an operator performing a sample line challenge on Monitoring Station 301. When the operator performed a leak check, the vacuum was less than the required minimum stated in the CAMDS Standard Operating Procedures (SOP) but the operator still marked it as passing.

(b) During an inspection of the CAMDS facility on July 21, 2005, a DSHW inspector observed an operator performing sample line challenges. The inspector documented several instances where the operator was not following SOPs while performing the challenges. The inspector also documented that another operator had documented that a leak check on a sample line had passed when the operator had not performed the leak check.

(c) During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the CAMDS did not have adequate monitoring personnel to comply with permit conditions requiring the change out of V/G conversion pads resulting in conversion pads that were overdue for change out.

(d) During the CEI at the CAMDS facility during September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, CAMDS inspectors documented in CRF Number C8245A that the level sensor for sump 7A was not installed in the sump.

7.9 Permit Condition I.O.2. of the CAMDS Part B Permit requires the Permittee to record certain information on monitoring records.

During an inspection of the CAMDS facility on February 28, 2005, a DSHW inspector documented a failure to record the data required by this permit condition. In records dated March 4, 2005 for Station 411 Filter Stack, the inspector documented that operators did not record the flow rates as required.

7.10 Permit Condition II.A.1. of the CAMDS Part B Permit requires the Permittee to design, construct, maintain, and operate the CAMDS to minimize the

possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, groundwater, or surface water which could threaten human health or the environment.

During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that facility personnel were aware that filter stack monitors were not operating but did not notify personnel in monitoring of the situation.

7.11 Condition II.D.1. of the CAMDS Part B Permit requires the Permittee to follow the Inspection Procedures included in Attachment 5 of the Permit.

During the CEI at the CAMDS on September 12, 2005, DSHW inspectors observed that the floor coating in the ECC permitted storage area was chipped and in need of repair. A review of inspection logs for the area revealed that inspectors had not documented the condition of the floor as required by Paragraph 5.1.5 of the facility inspection plan contained in Attachment 5 to the CAMDS Part B Permit.

7.12 Condition II.F.1. of the CAMDS Part B Permit requires the Permittee to follow the Preparedness and Prevention procedures included in Attachment 8 of the Permit. Paragraph 8.1 requires the handling of explosives, munitions and agents to be done under strict adherence to SOPs developed specifically for the item being handled. Paragraph 8.1.6 requires medical support personnel and equipment to be present at the CAMDS facility during chemical agent operations.

(a) On August 24, 2005, an incident occurred at the CAMDS where an Automatic Continuous Air Monitoring System (ACAMS) monitoring the Multi Purpose Demil Facility (MDF) Un-pack Area (UPA), a category C ventilation area, went into

alarm while workers were in the area unpacking waste items. The report on this incident concludes that the SOPs for working in the MDF UPA did not have procedures for handling the items.

(b) In a letter dated February 9, 2005, DSHW Tracking Number 05.00651, DCD reported that on January 29 and 30, 2005, medical support personnel were not present at the CAMDS facility while chemical operations were taking place.

7.13 Condition II.G.1. of the CAMDS Part B Permit requires the Permittee to follow the procedures outlined in the Contingency Plan in Attachment 9 of the Permit.

(a) On August 24, 2005, an incident occurred at the CAMDS where an ACAMS monitoring the MDF UPA, a category C ventilation area, went into alarm while workers were in the area unpacking waste items. The report on this incident concludes that mistakes and misunderstandings between the laboratory and Control Module (CMO) caused a delay in realizing the full scope of the event, which resulted in the CMO failing to notify the DCD Emergency Operations Center (EOC) as required by contingency procedures listed under paragraph 9.1 in Attachment 9 to the CAMDS Part B Permit.

(b) On January 27, 2005, a fire occurred in the rubber monitoring room adjacent to the Residual Storage Area (RSA) at the CAMDS. While reviewing facility records after the fire, a DSHW inspector documented that personnel in the CMO had failed to follow the facility contingency plan. Personnel failed to record in the CMO Log Book the name of the person reporting the fire, the type and potential quantities of chemical agent or hazardous materials involved, and any information regarding casualties. This information is required to be obtained and recorded in the CMO Log

Book by contingency procedures listed under paragraph 9.1 in Attachment 9 to the CAMDS Part B Permit.

7.14 Condition II.N.1.a of the CAMDS Part B Permit requires the Permittee to continuously monitor the exhaust stack and midbeds for HVAC filters 9, 10, 19, 20, 21, and 22.

During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that the CAMDS failed to continuously monitor the filter stacks when the Near Real Time (NRT) monitors and Depot Area Air Monitoring System (DAAMS) stations for filter stacks 20, 21, and 22 were off line for 53 minutes.

7.15 Condition II.N.1.b of the CAMDS Part B Permit requires the Permittee to continuously monitor the exhaust stack and midbeds for HVAC filters 5, 6, 7, and 12.

During an inspection of the CAMDS facility on August 30, 2005, a DSHW inspector documented that Filter Stack 7 was not continuously monitored with DAAMS tubes on July 31, 2005.

7.16 Condition II.N.5. of the CAMDS Part B Permit requires the Permittee to pull and analyze the DAAMS tubes monitoring the HVAC Stacks if the NRT Monitors are offline for more than five instrument cycles. This analysis is to occur as soon as the NRT monitors are back online.

In a letter dated August 18, 2005, DSHW Tracking Number 05.02873, DCD reported that on July 31, 2005, the NRT monitor for Filter Stack 22 monitoring for HD was off-line for 34 minutes from 1508 to 1542 hours, which exceeded five instrument

cycles. The DAAMS tubes for this station were not pulled until 1800 hours and were not analyzed until 2357 hours.

7.17 Condition IV.C.2. of the CAMDS Part B Permit prohibits the Permittee from placing hazardous waste in a tank or sump system unless the system has been completely decontaminated and cleaned if it stored an incompatible material.

In a letter dated December 6, 2004, DSHW Tracking Number 04.04228, DCD reported that on December 2, 2004, operators placed 1,325 gallons of spent decontamination solution, generated from mustard operations, into a tank that held 2,893 gallons of spent decontamination solution generated from agent GB operations. These solutions are incompatible and the tank had not been drained of the GB solution and cleaned prior to the introduction of the mustard solution.

7.18 Condition IV.G.1. of the CAMDS Part B Permit allows the Permittee to store hazardous waste in sumps for a period not to exceed 24 hours. Sumps are required to be pumped at least once every 24 hour period if liquids are detected.

(a) In a letter dated December 6, 2004, DSHW Tracking Number 04.04226, DCD reported that on December 2, 2004, the 24-hour time limit for storage of hazardous waste in a sump was exceeded for Bulk Item Facility (BIF) sump 3B.

(b) During an inspection of the CAMDS facility on May 22, 2005, a DSHW inspector documented that BIF sump 3B had exceeded the 24-hour time limit for storage of hazardous waste in a sump.

7.19 Condition VI.A.3.a.i. of the CAMDS Part B Permit allows the Permittee to incinerate chemical agents or miscellaneous wastes at no more than 50 percent of the maximum feed rates demonstrated during the most recent trial burn.

(a) During an inspection of the CAMDS facility, DSHW inspectors received copies of MPF Burn Basket tracking reports. These reports document that on February 23, 2005, the feed rate for Hi BTU Plastic was exceeded for burn basket numbers 01 and 07. Feed rate data is provided in the CAMDS MPF Miscellaneous Waste Trial Burn Report.

(b) In a letter dated September 1, 2005, DSHW Tracking Number 05.02984, DCD reported that on August 7, 2005, a burn basket was fed to the MPF which exceeded the permitted feed limit for ash content. Feed rate data is provided in the CAMDS MPF Miscellaneous Waste Trial Burn Report.

7.20 Condition VII.B.4.a.iv. of the CAMDS Part B Permit requires the Permittee to monitor air exiting the MDC2 units to the site ventilation system with NRT monitors and DAAMS.

During an inspection of the CAMDS facility on February 18, 2005, a DSHW inspector documented that the MDC-2A did not have DAAMS tubes monitoring the air exiting the unit and had never had them. The MDC-2A had been in operation since June 3, 2004.

7.21 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 10.0 of this plan requires the

use of calibrated instruments and also requires that instruments that fail calibration be removed from service and have corrective action taken.

(a) During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that facility personnel were using uncalibrated instruments to check the flow on DAAMS stations used to monitor for chemical agent at the facility.

(b) During an inspection of the CAMDS facility on November 22, 2004, a DSHW inspector documented that mass flow meters were not calibrated correctly, which resulted in flow measurement devices on agent monitoring systems being calibrated incorrectly.

7.22 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 11.1.3 of this plan requires all DAAMS stations to have log books.

During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that there was no DAAMS log book at the LIC agent room DAAMS station. During another inspection of the CAMDS facility on August 30, 2005, a DSHW inspector documented that there were no DAAMS log books at 11 of the 197 DAAMS stations maintained by the CAMDS.

7.23 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 8.0 of this plan requires the performance of an initial baseline study to demonstrate the readiness of a monitoring system to support operations.

During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector learned that a baseline had not been performed for monitoring in the Chemical Treatment Facility (CTF) process area and that work was being performed in the area.

7.24 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 11.1.1 of this plan requires operators to follow procedures that require certain information to be recorded on strip charts. Section 11.1.3 of the plan also requires operators who collect DAAMS tubes for analysis to record the aspiration times and flow rates in station log books.

During inspections of the CAMDS facility, DSHW inspectors documented the following occasions where CAMDS personnel failed to record required information on strip charts and in log books:

- (1) On August 30, 2005, a DSHW inspector documented that operators had failed to record flow rates and aspirations times in the DAAMS log book at station number 405 for tubes pulled during an upset condition.

- (2) On September 23, 2005, a DSHW inspector documented that operators who collected DAAMS tubes during upset conditions had not recorded all required data in the DAAMS station logbooks.

- (3) On September 30, 2005, a DSHW inspector reviewing the monitoring records, including strip charts, for monitoring station number 317 and monitoring station number 180, documented that the location, date, operator or analyst, time and agent being monitored were not recorded on the strip charts as required by the CAMDS Part B Permit.

7.25 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.3 of this plan requires the Permittee to re-challenge a sample line immediately if the first challenge fails and to take corrective action, including taking all monitoring associated with the failed line off line if the second challenge fails.

During inspections of the CAMDS facility, DSHW inspectors documented the following occasions where CAMDS personnel failed to re-challenge sample lines and take corrective action as required by the CAMDS Part B Permit.

(1) On August 30, 2005, a DSHW inspector documented that on August 3, 2005, a line challenge was performed on DAAMS station number 413. The tubes from the line challenge were analyzed the same day and indicated a failure. Operators waited until August 15, 2005 to perform corrective action on the sample line instead of taking corrective action at the time of discovery.

(2) On June 24, 2005, a DSHW inspector documented the following:

(a) the sample line for monitoring Station 910, a perimeter monitoring station, was challenged only once on June 7, 2005, and only once on June 13, 2005, even though the challenge failed on both days;

(b) the sample line for monitoring Station 908, a perimeter monitoring station, was challenged only once on June 7, 2005, and only once on June 13, 2005, even though the challenge failed on both days;

(c) The sample line for monitoring Station 301, a laboratory hood, was challenged only once on May 16, 2005, even though the challenge failed;

(d) The sample line for Station 301 was challenged twice and failed twice on May 21, 2005, and operators noted on the data sheet that the challenge failed and the line needed to be replaced. There was no documentation indicating the line for Station 301 was replaced and re-challenged.

7.26 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 7.2 of this plan requires all methods to successfully satisfy Precision and Accuracy (P&A) study method certification requirements before the method is allowed to support operations. The Permittee is also required to submit all data from P&A studies to the Chemical Materials Agency (CMA) Monitoring Office for review and concurrence before the method can support operations.

(a) During an inspection of the CAMDS facility on December 9, 2004, a DSHW inspector documented that an appropriate P&A study had not been done for MINICAMS 2947.

(b) During an inspection of the CAMDS facility on July 21, 2005, a DSHW inspector was informed by CAMDS personnel that the CAMDS had never sent a P&A study to the CMA for approval as required.

7.27 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 17.2.1 of this plan specifies the frequency for replacement of V/G conversion pads used to monitor for VX chemical agent.

(a) During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that the V/G conversion pads that were installed on

September 1, 2005, were not changed again until September 30, 2005. These pads are required to be changed every 28 days.

(b) During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the V/G conversion pads for NRT Monitor Stations 513 and 185 had not been changed since June 9, 2005. These pads are required to be changed every seven days.

7.28 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 16.1.2 of this plan specifies that the MPF Stack DAAMS sample line be challenged every four hours.

During a phone conversation with CAMDS personnel on July 20, 2005, documented in a follow-up inspection report on July 21, 2005, a DSHW inspector learned that the CAMDS had never challenged the MPF stack DAAMS sample line since the issuance of the CAMDS Part B Permit in September of 1999. This was further documented in a letter dated July 21, 2005, DSHW Tracking Number 05.02595, submitted to the Executive Secretary.

7.29 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 6.0 of this plan contains procedures or references procedures for preparation of standards that the Permittee is required to follow. Appendix B of this plan also contains a list of permit-controlled procedures.

During the CEI at the CAMDS facility in September of 2005 DSHW inspectors performed an audit of the CAMDS Lab. This audit revealed that CAMDS Lab personnel had not followed procedures for the preparation of standards in the following areas:

(1) Different container sizes than those indicated on the Research Development Test and Evaluation (RDTE) Accountability Form were used in the preparation of GA and HD standards.

(2) The amounts of agent used in preparation of standards were not properly annotated.

(3) Incorrect purity values were used in two calculations for the preparation of standards.

(4) The CASARM Certificate of Analysis for HD Stock A Prep performed on July 21, 2005, is dated October 23, 1992, but the date noted on the HD Stock A Prep sheet for this lot is January 1998.

(5) DSHW inspectors collected three RDTE Solution Accountability Forms for Lewissite solutions that did not have a Parent Stock ID listed.

(6) DSHW inspectors collected an RDTE Solution Accountability Form that indicates that it is for a VX solution with a VX Parent Stock ID, but the Bottle Number and Lot Number indicate an HD solution.

(7) DSHW inspectors collected RDTE Solution Accountability Forms for standards that CAMDS prepares for TOCDF. A review of these forms revealed failures on the part of the CAMDS lab personnel to properly document the standard preparation. Failures include forms indicating that the solutions were in Isopropyl Alcohol (IPA)

when the Bottle ID number indicates the solutions should be in chloroform, missing information on forms, forms that had the incorrect amounts of solution indicated by listing a 32 ml container size but only 25 ml of solution.

(8) DSHW inspectors also documented that the concentrations reported on the forms and in the CAMDS agent logbooks are incorrect because the CAMDS does not account for solvent density and solvent total volume in its calculations.

7.30 Attachment 3 to the CAMDS Part B Permit contains the CAMDS Site Laboratory and Monitoring Quality Control Plan. Section 14.2.4 of this plan refers to Table 8-1 in the plan which contains the schedule for Quality Plant (QP) sampling. For DAAMS tubes, QP sampling is to be done on a rotating schedule so that each station is sampled at least once every 28 days.

During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the CAMDS had not been performing the required QP sampling for VX and GB on the perimeter monitors since January of 2005.

7.31 Attachment 12 to the CAMDS Part B Permit contains details on hazardous waste storage areas. Section 12.4.3.2 of this attachment requires that doors to permitted hazardous waste storage areas be locked and only authorized personnel be allowed access.

(a) During an inspection of the CAMDS facility on September 23, 2005, a DSHW inspector documented that the roll up door on the MDF/BIF permitted storage area was open; however, no personnel were present and no activities were taking place in the area.

(b) During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on June 24, 2005, the CAMDS improperly stored hazardous waste in the Equipment Test Facility because the building was not secured.

7.32 Attachment 12 to the CAMDS Part B Permit contains details on hazardous waste storage areas. Section 12.2.2 of this attachment specifies that only nine pallets are allowed per row in Building 4104 and Section 12.3.3 of this attachment specifies that only ten pallets are allowed per row in Building 4105.

During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on June 9, 2005, the CAMDS had exceeded the number of pallets allowed per row in permitted storage Buildings 4104 and 4105. The logs indicated that Building 4104 had ten pallets per row and that Building 4105 had twelve pallets per row.

7.33 Attachment 12 to the CAMDS Part B Permit contains details on hazardous waste storage areas. Section 12.4.3.2 of this attachment specifies that aisle spacing within permitted hazardous waste storage areas will be at least 24 inches.

During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, CAMDS inspectors documented in CRF Number D8245a that aisle space in the ECC Unpack was less than the 24 inches required.

7.34 Attachment 16 to the CAMDS Part B Permit contains the CAMDS Site Monitoring Plan. Section 6.1.3 of this plan specifies that “outside of process areas” of

the facility are to be monitored for chemical agents at the STEL and Worker Population Limit (WPL) levels daily. Section 6.1.1 specifies that process areas are to be monitored using NRT monitors.

During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector observed that the LIC corridor and the CDS Category C area adjacent to the RSA, which are “out of process areas,” were not being monitored correctly for the STEL and WPL. Additionally, the CTF process area was only being monitored for GB and VX with an NRT monitor. No NRT monitoring was being conducted for HD; only DAAMS were being used.

7.35 Attachment 16 to the CAMDS Part B Permit contains the CAMDS Site Monitoring Plan. Section 11.0 of the CAMDS Site Monitoring Plan requires the ACAMS Data Acquisition Module (ADAMS) computer to collect and store data from NRT monitors and the annunciator panel to alarm when agent concentrations meet or exceed alarm set points or when an NRT monitor malfunctions.

(a) During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector observed that the MINICAM used to monitor the CTF for GB and VX did not send an alarm signal to the ADAMS computer and the annunciator panel did not alarm when the MINICAM was challenged at alarm set points.

(b) During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector observed that the annunciator panel in the CMO did not alarm when a site MINICAM had malfunctioned. Further investigation revealed that the annunciator panel

did not alarm when any of the MINICAMS at the facility malfunctioned and that it was not wired to alarm for malfunctions.

7.36 Attachment 16 to the CAMDS Part B Permit contains the CAMDS Site Monitoring Plan. Section 6.1.5 of this plan requires the monitoring lunchroom to be monitored for chemical agent.

During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that the monitoring lunchroom was being monitored with DAAMS for HD only. No monitoring for GB and VX was being performed.

7.37 Condition I.U.2. of the TOCDF Part B Permit requires the Permittee to orally report to the Executive Secretary unintentional spills of P999 hazardous waste in any quantity within 24 hours after the spill occurrence.

In a letter dated December 20, 2004, DSHW Tracking Number 04.04343, TOCDF reported a failure to orally report four leaks of P999 waste from Agent Collection System (ACS) Pump 9300 within 24 hours after the spill occurrence.

7.38 Condition I.U.5. of the TOCDF Part B Permit requires the Permittee to submit a written report within fifteen days of the time the Permittee is required to provide oral notification of an incident.

In a letter dated December 20, 2004, DSHW Tracking Number 04.04343, TOCDF reported a failure to submit written reports of four leaks of P999 waste from ACS Pump 9300 within the required fifteen days.

7.39 Condition I.M.1. of the TOCDF Part B Permit requires the Permittee to, at all times, properly operate and maintain all facilities and systems of treatment and control

which are installed or used by the Permittee to achieve compliance with the conditions of the Permit. Proper operation includes following approved SOPs.

(a) On December 6, 2004, a DSHW inspector reviewed Critique 325 entitled Mine Drum Inadvertently Punched. This critique documents that on December 1, 2004, TOCDF employees placed the Mine Drum Monitoring Device (MDMD) on a mine drum without first ensuring that the punch had been retracted as required by procedure. This failure potentially exposed the two employees working with the mine drums to VX chemical agent vapors.

(b) In a letter dated April 22, 2005, DSHW Tracking Number 05.01657, the TOCDF reported a failure to complete the inspection of SDS-Sump-151 in accordance with requirements of the TOCDF Part B Permit. This letter also explained that during the cleanup of the sump following the discovery that it was not adequately inspected, it was discovered that the sump low level detection probe was bent and the high level probe was missing.

(c) In a letter dated December 22, 2004, DSHW Tracking Number 04.04368, the TOCDF reported that SDS-Sump-135 stored waste for longer than the 24-hour period allowed by the TOCDF Part B Permit. The reason that the sump exceeded the 24-hour limit was that the low level probe had been removed from the sump sometime between November 28 and December 1, 2004, so that no alarm was sent to the Control Room (CON) when liquid began to accumulate in the sump.

7.40 Condition II.C.1. of the TOCDF Part B Permit requires the Permittee to follow the procedures of the Waste Analysis Plan contained in Attachment 2 of the Permit.

During the CEI at the TOCDF facility in September of 2005, the DSHW performed an audit of the Chemical Assessment Lab (CAL). During the audit, DSHW inspectors documented that the TOCDF had used a method for analysis of Spent Decontamination System (SDS) tank samples that was not specified in the permit. Table 2-0 of the Waste Analysis Plan requires the Permittee to use specific methods for analysis of SDS tank samples. In a letter sent to TOCDF from the DSHW in March of 2004 regarding some additional sampling of SDS to be done by the Permittee, the DSHW specified that the Permittee was required to use the method specified in the Waste Analysis Plan for the analysis to be performed.

7.41 Condition II.E.1. of the TOCDF Part B Permit requires the Permittee to follow the Inspection Plan contained in Attachment 5 of the Permit. The Inspection Plan requires the Permittee to visually inspect sump integrity weekly for cracks and deterioration of protective coatings.

In a letter dated April 22, 2005, DSHW Tracking Number 05.01657, the TOCDF reported a failure to complete the inspection of SDS-Sump-151 in accordance with requirements of the TOCDF Part B Permit. The report states that there was a mixture of sludge and water in the sump that prohibited the ability to complete a sufficient inspection of the integrity of the sump.

7.42 Condition II.F.1. of the TOCDF Part B Permit requires the Permittee to ensure that all personnel who handle hazardous waste are trained as is applicable to their job description. Table 7-2 in Attachment 7 to the TOCDF Part B Permit details the annual refresher courses that employees with specific job titles are required to take.

In a letter dated July 28, 2005, DSHW Tracking Number 05.02695, the TOCDF reported that an employee failed to take required refresher training within the time period required by the TOCDF Part B Permit.

7.43 Condition III.H.1. of the TOCDF Part B Permit requires the Permittee to inspect the container areas weekly in accordance with the Inspection Plan contained in Attachment 5 of the Permit. The Inspection Plan requires the Permittee to monitor the air inside of a sealed On-Site Container (ONC) for the presence of chemical agent if the ONC remains in the Container Handling Building (CHB) for more than seven days.

In a letter dated November 23, 2004, DSHW Tracking Number 04.04119, the TOCDF reported that an ONC remained in the CHB for more than seven days without being monitored for agent.

7.44 Condition IV.B.2. of the TOCDF Part B Permit requires that the maximum capacity of sumps used to collect spent decontamination solutions not be exceeded.

In a letter dated December 7, 2004, DSHW Tracking Number 04.04241, the TOCDF reported that on November 16, 2004, the permitted level for SDS-SUMP-154 was exceeded.

7.45 Condition IV.G.1. of the TOCDF Part B Permit allows the Permittee to store hazardous waste in sumps for a period not to exceed 24 hours.

In a letter dated December 22, 2004, DSHW Tracking Number 04.04368, the TOCDF reported that SDS-Sump-135 stored waste for longer than the 24-hour period allowed by the TOCDF Part B Permit.

7.46 Condition IV.J.3. of the TOCDF Part B Permit requires the Permittee, after all major tank system repairs, to obtain a certification by an independent, qualified, registered professional engineer that a repaired tank system is capable of handling hazardous wastes without release for the intended life of the system before returning the system to service.

(a) In a letter dated November 3, 2004, DSHW Tracking Number 04.03988, the TOCDF reported that SDS Tank 103 was inadvertently put back into service prior to receiving certification that the repaired tank was capable of handling hazardous waste. Due to an improperly installed blind flange, liquid flowed into the tank on October 19, 2004. The certification was received on October 20, 2004.

(b) In a letter dated April 28, 2005, DSHW Tracking Number 05.01702, the TOCDF reported that hazardous waste collected in SDS-Sump-175 while it was out of service awaiting the receipt of certification for repairs that had been performed.

7.47 Condition VI.B.3.a.iii.a. of the TOCDF Part B Permit requires the Permittee to comply with the waste feed cut-off instrument settings specified in the approved trial burn plan.

In a letter dated November 3, 2004, DSHW Tracking Number 04.03990, the TOCDF reported that on September 30, 2004, the Automatic Waste Feed Cut-Offs (AWFCO) for feed to both LICs were changed based on an approved permit modification

request and were set at 75% of the full feed rate as allowed by the TOCDF Part B Permit. On October 12, 2004, it was discovered that the feed rate limits were actually set at 100% of the full feed rate.

7.48 Condition VIII.D.1. of the TOCDF Part B Permit requires the Permittee to comply with the design and operating requirements for demilitarization miscellaneous treatment units specified in Attachment 14 of the Permit. Attachment 14 specified that the fuse well on the mines had to be removed at the Fuse Well Assembly Removal Station (FARS) before the mine was sent to the DFS. The attachment also restricts storage of mines and mine component carriers in the Explosives Containment Room (ECR) to a maximum of 12 items.

(a) In letters dated January 5, 2005 and March 11, 2005, the TOCDF reported that on December 2, 2004, and on February 21, 2005, punched and drained mines inadvertently bypassed the FARS and were sent to the DFS.

(b) In a letter dated January 10, 2005, DSHW Tracking Number 05.00154, the TOCDF reported that on December 12, 2004, the permitted storage limit for mines and mine component carriers in the ECR was exceeded. The Permit allows a combination of 12 mines and mine component carriers to be stored in the ECR. On January 10, 2005, 14 mines and mine component carriers were stored in the ECR.

7.49 Condition VIII.E.15. of the TOCDF Part B Permit requires the Permittee to notify the Executive Secretary prior to processing of a mine that cannot be verified as drained in accordance with Condition VIII.E.1. of the TOCDF Part B Permit.

In a letter dated January 4, 2005, DSHW Tracking Number 05.00153, the TOCDF reported that on December 12, 2004, an insufficient drain indication occurred on two mines when they were punched and drained. The first mine was subsequently fed to the DFS without notifying the Executive Secretary prior to taking this action.

7.50 Attachment 12, Paragraph 12.8.8, of the TOCDF Part B Permit requires the Permittee to determine if there are any leaking munitions in an overpack when it arrives in the Unpack Area prior to opening the overpack. This determination is made by monitoring the air inside the overpack using an ACAMS.

During an inspection at the TOCDF on December 27, 2004, a DSHW inspector was informed that the ACAMS in the UPA used to monitor spray tank overpacks for the presence of chemical agent was improperly configured so that it was not monitoring the spray tank overpacks as required. The TOCDF subsequently reported this by a letter dated January 18, 2005, DSHW Tracking Number 05.00346. The sample line was improperly configured from October 25, 2004, to December 21, 2004, allowing 150 to 170 spray tank overpacks to be opened without proper monitoring.

7.51 Attachment 22, Paragraph 22.17.5.5, formerly 22.17.6.11, of the TOCDF Part B Permit requires that all V/G conversion pads on ACAMS and DAAMS monitoring non-toxic areas at the STEL level be changed daily.

(a) In a letter dated October 4, 2004, DSHW Tracking Number 04.03577, the TOCDF reported that on September 18 and 19, 2004, operators failed to replace the V/G conversion pad on DAAMS Station MPF 476V.

(b) In a letter dated May 25, 2005, DSHW Tracking Number 05.03007, the TOCDF reported a failure to replace the V/G conversion pad on instrument ACAMS DUN 252V when an entry was made into the room monitored by this instrument.

7.52 Attachment 22, Paragraph 22.17.5.4, formerly 22.17.6.12, of the TOCDF Part B Permit requires that all V/G conversion pads on ACAMS monitoring toxic areas be changed each time a toxic area entry team enters the area monitored by the instrument.

(a) In a letter dated October 12, 2004, DSHW Tracking Number 04.03746, the TOCDF reported that the V/G conversion pad for ACAMS Station AL211V had not been changed for an indeterminate amount of time.

(b) In a letter dated August 23, 2005, DSHW Tracking Number 05.02936, the TOCDF reported that the V/G conversion pad for ACAMS station ECV 208V was not replaced on August 9, 2005, when workers entered the room.

(c) In a letter dated September 30, 2005, DSHW Tracking Number 05.03297, the TOCDF reported that the V/G conversion pad for ACAMS station ECR 321V was not replaced on September 19, 2005, when workers entered the room.

7.53 Attachment 22, Appendix A, to the TOCDF Part B Permit requires that ACAMS Station CAL 951V have a remote alarm that sounds in the CAL when this instrument goes into alarm.

In a letter dated October 18, 2004, DSHW Tracking Number 04.03784, the TOCDF reported that on October 1, 2004, when ACAMS Station CAL 951V went into alarm, the remote alarm located in the CAL was not activated.

7.54 Attachment 22, Paragraph 22.33.1, formerly 22.37.1, to the TOCDF Part B Permit requires that both the ACAMS and DAAMS instruments monitoring the Equipment Hydraulic Module (EHM) to be online when personnel are in the EHM.

In a letter dated October 21, 2004, DSHW Tracking Number 04.03799, the TOCDF reported that on October 5, 2004, workers entered the EHM multiple times over a four-hour period while both the ACAMS and DAAMS were offline.

7.55 Attachment 22, Paragraph 22.15.3.1, to the TOCDF Part B Permit requires the Permittee to follow established procedures for implementing temporary changes.

In a letter dated February 25, 2005, DSHW Tracking Number 05.00989, the TOCDF reported that a temporary change was made to monitoring in the EHM and the DFS Room without a properly approved temporary change.

7.56 Attachment 22, Paragraph 22.11.2.1, to the TOCDF Part B Permit requires all monitoring equipment to be operating and in control during processing in a given area.

(a) In a letter dated April 4, 2005, DSHW Tracking Number 05.01393, the TOCDF reported on March 28, 2005, the VX and GB DAAMS tubes for stations WHS 912V and 912G did not aspirate for several hours.

(b) In a letter dated August 23, 2005, DSHW Tracking Number 05.02936, the TOCDF reported that ACAMS station ECV 208V was offline on August 9, 2005, while workers were in the room performing maintenance.

15. On March 30, 2006, and April 13, 2006, the DCD, CAMDS, and TOCDF provided the Board with statements of their intent to comply with the NOV/CO and a request for a hearing. On April 13, 2006, the CAMDS provided the Board with response to Orders Number

2 and 3 of the NOV/CO. On May 8, 2006, and May 11, 2006, the DCD, the CAMDS and the TOCDF provided the Board with written responses to the violations cited in the NOV/CO.

16. The Parties agree that the Stipulations stated above in Section IV, General Provisions, constitute the basis of this CONSENT DECREE. None of the stipulations related herein shall be considered admissions by any party, and shall not be used by any person related or unrelated to this CONSENT DECREE for the purposes other than determining the basis of this CONSENT DECREE.

V. AGREED UPON SETTLEMENT PROVISIONS

A. Orders and Penalties

17. In full settlement of the Board's alleged claims for the violations in NOV/CO Number 0601001 issued March 9, 2006, the DCD, CAMDS, and TOCDF shall pay the sum of \$215,725.73 dollars to the Utah Department of Environmental Quality, c/o Dennis R. Downs, Executive Secretary, Utah Solid and Hazardous Waste Control Board, P.O. Box 144880, Salt Lake City, Utah 84114-4880. Full payment shall be made within sixty (60) days of the effective date of this CONSENT DECREE.

B. Anti-Deficiency Act

18. The DCD, CAMDS, and the CMA shall seek all funds necessary for the payment of civil penalties under this CONSENT DECREE by the most expeditious means possible and, if necessary, shall seek new authorization from Congress to achieve the most expeditious schedule of such compliance in accordance with Sections 1-4 and 1-5 of Executive Order 12088. Section

1-5 of Executive Order 12088 states “the head of each executive agency shall ensure that sufficient funds for compliance with applicable pollution control standards are requested in the Agency budget.”

19. However, payment or obligation of funds by DCD, CAMDS, and CMA pursuant to this CONSENT DECREE shall be subject to the availability of appropriated funds, and no provision herein shall be interpreted to require obligation or payment of funds in violation of the Anti-Deficiency Act, 31 United States Code Section 1341. Failure to obtain adequate funds or appropriation from Congress does not, in any way, release DCD, CAMDS, and CMA from their obligations to comply with the Resource Conservation and Recovery Act, as amended, 42 U.S.C. Section 6901 *et seq.*, or the Utah Solid and Hazardous Waste Act, Section 19-6-101 *et seq.*, as amended including the payment of fines or penalties, or performance of supplemental environmental projects. Where payment or obligation of such funds would constitute a violation of the Anti-Deficiency Act, the time frames established in this section requiring the payment or obligation of these funds shall be appropriately adjusted. The parties agree that the provisions of the Anti-Deficiency Act do not apply to EG&G.

20. The parties agree that in any judicial proceeding to enforce the requirements of this CONSENT DECREE, DCD, CAMDS, and CMA, but not EG&G, may raise a defense that any failure or delay was caused by the unavailability of appropriated funds.

C. Force Majeure

21. DCD, CAMDS, CMA and EG&G shall perform the requirements of this CONSENT DECREE within the time frames set forth herein unless the performance is prevented or delayed by events which constitute a force majeure.

a. A force majeure is defined as any event arising from causes not reasonably foreseeable and beyond the control of DCD, CAMDS, CMA and EG&G which cannot be overcome by due diligence. A force majeure shall mean any event arising from causes beyond the control of a party that causes a delay in or prevents the performance of any obligation under this CONSENT DECREE, including but not limited to, acts of God, fire, war, insurrection, civil disturbance, explosion, unanticipated breakage or accident to machinery, equipment or lines of pipe despite reasonably diligent maintenance, adverse weather conditions that could not be reasonably anticipated, unusual delay in transportation, restraint by court order or order of public authority, inability to obtain, at reasonable cost and after exercise of reasonable diligence, any necessary authorizations, approvals, permits or licenses due to action or inactions of any governmental agency or authority other than DCD, CAMDS, and CMA, delays caused by compliance with applicable statutes or regulations governing contracting, procurement or acquisition procedures, despite the exercise of reasonable diligence and insufficient availability of appropriated funds, if DCD, CAMDS, and CMA shall have made timely request for such funds as part of the budgetary process. A force majeure shall also include any strike or other labor dispute, whether or not within the control of a party affected thereby. Force majeure shall not include increased costs or expenses of an action, whether or not anticipated at the time of the action was initiated.

b. Within seventy-two (72) hours of the time that DCD, CAMDS, CMA and EG&G know or have reason to know of the occurrence of any event which DCD, CAMDS, CMA and EG&G have reason to believe may prevent their timely compliance with any requirement under this CONSENT DECREE, DCD, CAMDS, CMA and EG&G shall provide oral notification to

the Executive Secretary. Within seven (7) calendar days of the discovery of the event, DCD, CAMDS, CMA and EG&G shall submit to the Executive Secretary a written description of the event causing the delay, the reasons for the delay, the expected duration of the delay, actions which will be taken to mitigate the duration of the delay and a revised time frame for completion of the affected requirement for approval by the Board. The burden of proving that any delay was caused by a force majeure and that the required notices were given shall at all times rest with DCD, CAMDS, CMA and EG&G. Delay in the achievement of one requirement shall not necessarily justify or excuse delay in the achievement of subsequent requirements. In the event any performance under this CONSENT DECREE is found to have been delayed by a force majeure, DCD, CAMDS, CMA and EG&G shall perform the requirements of this CONSENT DECREE that were delayed by the force majeure within the revised time frame for compliance as approved by the Board.

D. Effect of Consent Decree

22. Nothing contained herein shall be deemed to constitute a waiver by the State of its right to initiate enforcement action, including civil penalties, against the Defendants in the event of future non-compliance with this CONSENT DECREE or with the Utah Solid and Hazardous Waste Act or the Utah Administrative Code, nor shall the State be precluded in any way from taking appropriate action to abate an imminent endangerment to human health or the environment should such a situation arise at the DCD, CAMDS, or TOCDF. However, compliance with this CONSENT DECREE shall relieve the DCD, CAMDS, and TOCDF of all liability for violations alleged in the Complaint.

23. This CONSENT DECREE shall not in any way relieve the Defendants of any obligation to comply with applicable local, state, or federal law or regulations.

24. The parties' obligations under this CONSENT DECREE are limited to the matters expressly stated herein or in approved submissions required hereunder.

E. Continuing Jurisdiction

25. The Court shall retain jurisdiction to enforce and implement the provisions of this CONSENT DECREE, including without limitation, jurisdiction to act upon questions presented to the Court under Paragraph 20 above.

F. Effective Date

26. This CONSENT DECREE shall be effective upon the date of entry by this Court.

G. Termination

27. The obligations of this CONSENT DECREE and this Court's jurisdiction over this matter shall terminate upon completion of all requirements of this CONSENT DECREE.

H. Authorization

28. The undersigned representatives of the Defendants and the Board certify that they are authorized by their respective parties to enter into this CONSENT DECREE and to execute and legally bind that party to the terms and conditions of this CONSENT DECREE.

UTAH SOLID AND HAZARDOUS WASTE
CONTROL BOARD

DESERET CHEMICAL DEPOT AND
CHEMICAL AGENT MUNITIONS
DISPOSAL SYSTEM

Date: _____
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EG&G DEFENSE MATERIALS, INC.

U.S. Army Chemical Materials Agency

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Date: _____
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APPROVED AND ENTERED as an Order of this Court, this _____ day of _____, 2006.

District Court Judge

DRAFT PENALTY NARRATIVE

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.1

Finding Description - In a letter dated February 10, 2005, Utah Division of Solid and Hazardous Waste (DSHW) Tracking Number 05.00729, the Tooele Chemical Agent Disposal Facility (TOCDF) reported a failure to submit a Class 1 Permit Modification request within the required seven days. A permit modification should have been submitted by December 20, 2004, for changes made to the Liquid Incinerator (LIC) 2 Pollution Abatement System (PAS) on December 13, 2004. The modification was not submitted until February 3, 2005.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This was an administrative error resulting from a communication failure. No problems were found with the modification when it was submitted and it was approved.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF self reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to submit permit modification requests within the required time period is a violation in two of the last three Notices of Violation (NOV).

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(a)(1) through (5), (8) through (11), and (13)

Finding Description – The CAMDS failed to place hazardous waste into appropriate containers. During inspections of the Chemical Agent Munitions Disposal System (CAMDS) facility, DSHW inspectors observed or documented through reviews of inspection logs, ten occasions where the CAMDS failed to containerize hazardous waste.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The amount of hazardous waste and hazardous waste residues on the outside of containers; on floors, walls and piping; and in burn trays was minimal, workers wore appropriate PPE.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to containerize hazardous waste is a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(a)(6)

Finding Description – The CAMDS failed to place hazardous waste in closed containers that were labeled and dated. While reviewing the CAMDS inspection logs, DSHW inspectors documented that on one occasion the CAMDS had failed to properly containerize hazardous waste which included waste lab materials sodium hydroxide, nitric acid, and hydrochloric acid.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The waste lab materials were contained in two open metal boxes that had been exposed to the elements for some time. The area was not secured nor was access controlled.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to containerize hazardous waste is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(a)(7) and (12)

Finding Description - During inspections of the CAMDS facility, DSHW inspectors observed or documented through reviews of inspection logs, two occasions where the CAMDS failed to containerize hazardous waste by placing hazardous waste in containers of non-hazardous waste.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Containers of non-hazardous waste are handled differently than containers of hazardous waste. Employees handling non-hazardous waste do not wear the Personal Protective Equipment (PPE) worn by employees handling hazardous waste. Eventually, non-hazardous waste will be handled by workers at a non-hazardous waste facility who may not be trained to handle hazardous waste and may not have or be wearing the appropriate PPE to protect against exposure to hazardous waste. The standards for handling and treatment of non-hazardous waste are not as strict as standards for hazardous waste and could allow the release of hazardous waste into the environment.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to containerize hazardous waste is a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(b)

Finding Description – The CAMDS failed to label containers of hazardous waste with correct accumulation start dates. During inspections of the CAMDS facility DSHW inspectors reviewing the CAMDS inspection logs documented nine containers of hazardous waste that had been generated at the CAMDS that had incorrect accumulation start dates on the container labels.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – All the containers were in hazardous waste storage areas and were being managed properly. The correct accumulation start dates were recorded in the facility operating record.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(c)

Finding Description – The CAMDS failed to ensure that all containers of hazardous waste are labeled, dated and closed. During the Compliance Evaluation Inspection (CEI) at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 31, 2005, the CAMDS inspectors documented in Compliance Related Finding (CRF) Number T8315-a, dated August 31, 2005, that on August 24, 2005, a wooden box containing trays of loose ash was discovered. The box had no lid and was not labeled or dated. Inspectors generated CRF Number T8245-b on August 24, 2005, in order to properly manage the waste. CRF T8315-a then documents that a lid was placed on the box and secured with a screw, but the box was still not labeled or dated.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – The wooden container was located in the tank farm which is not an area normally used for the storage of containers of ash from the Metal Parts Furnace (MPF). Initially, the container was open to the environment.
- (b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 100% increase – The CAMDS employees who are assigned to manage hazardous waste should know and be able to follow all the rules regarding the containment of hazardous waste. This problem should have been taken care of after the first inspection and write up and should not have taken a second write up.

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to label and date containers of hazardous waste is a violation in two of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(d)

Finding Description – The TOCDF failed to move newly generated hazardous waste into permitted storage prior to reaching the 90-day storage time limit allowed in the rules. In a letter dated April 6, 2005, DSHW Tracking Number 05.01388, the TOCDF reported that on March 29, 2005, a container of hazardous waste with an accumulation start date of June 12, 2004, was discovered in a 90-day storage area.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The container was discovered in an elevator shaft in the Munitions Demilitarization Building (MDB). The elevator is used to move trays of munitions and waste between floors. The area is under engineering controls and personnel do not normally have access to the elevator shaft.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with this requirement the majority of the time during this inspection period.

Multi-Day Penalty – Minor-Minor – The container of waste exceeded the 90-day limit by 201 days. Multi-day penalties are appropriate in this case due to the time period involved however, only 100 days were used to calculate this portion of the penalty so as not to create a penalty that is out of proportion to the nature of the violation.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Exceeding the 90-day storage time limit for site generated waste is a violation in three of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(e)

Finding Description – The TOCDF failed to place all hazardous waste into containers. In a letter dated April 29, 2005, DSHW Tracking Number 05.01703, the TOCDF reported that on April 20, 2005, while performing sump inspections the TOCDF inspectors discovered non-containerized hazardous waste at three locations within the MDB. The waste included used V/G conversion pads used to monitor for the chemical agent VX.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The pads were located near monitoring sample lines in three locations. The locations are all under engineering controls with restricted access. Personnel who do enter the area are under observation and are wearing PPE.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – The TOCDF personnel who enter toxic areas have been trained and briefed on the replacement of V/G conversion pads and the proper disposition of used pads. When personnel dropped pads, they should have taken action to locate the pads and properly dispose of them.

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Non-containerized hazardous waste is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(f)

Finding Description - During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on September 8, 2005, the CAMDS inspectors documented in CRF Number D985a that 90-day storage area number C7085P located outside the lab did not have all of the equipment required by the regulations for preparedness and prevention and that there is no copy of the contingency plan in the area.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Items missing from the area were an eyewash and fire extinguisher which limit the ability of personnel to respond quickly in an emergency to minimize the extend of damage. A copy of the contingency plan was also missing.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(g)

Finding Description - During the CEI at the TOCDF, DSHW inspectors documented several occasions where the TOCDF personnel failed to properly inspect a 90-day area where waste is generated. An MDB Generated Waste Tracking Form shows that a container of waste with tracking number WT4330-03 was generated on November 25, 2004 in 90-day area number F01HYD. This form also shows that the container was removed from the area on February 23, 2005. However, DSHW inspectors reviewed inspection logs for this area and discovered five occasions between the two dates listed above that facility inspectors did not record the container number on inspection logs.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The 90-day area being inspected is a secured area under engineering controls, personnel entering the area wear appropriate PPE. All containers of waste in the area were being properly managed.

(b) Extent of Deviation – Minor – TOCDF was in compliance with this requirement the majority of the time.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to properly inspect an area is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical
Agent Disposal Facility
NOV 0601001

Finding 7.3

Finding Description – The CAMDS failed to have a device in place capable of summoning external emergency assistance. During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on September 6, 2005, the CAMDS inspectors documented in CRF Number D965c that the telephone in the Ventilated Storage Area (VSA) was not working.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – No hazardous waste operations were taking place during the time that the telephone was not working. This telephone would be used to contact the Control Module (CMO) in the event of an emergency. If this telephone was not working and operators were not carrying radios and an accident occurred, response time would be lengthier if employees were not able to communicate immediately with the CMO.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.4(a)

Finding Description – The CAMDS failed to accurately record the location of each hazardous waste in the facility. During the CEI at the CAMDS in September of 2005, DSHW inspectors documented that waste glass was removed from drum number A0063 and placed into drum number C7046O0516402. The CAMDS personnel were unable to locate any records indicating the creation of tracking documents for drum number C7046O0516402 or documents tracking the existence of this drum.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The CAMDS personnel are unable to determine the location of the waste glass or even determine if it existed. The possibility exists that this waste could have been misplaced into a different container of waste during the segregation process. Workers handling the waste were wearing appropriate PPE and the activities took place in a controlled area.

(b) Extent of Deviation – Minor – The CAMDS was able to track their waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain an adequate operating record is a violation in one of the past three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.4(b)

Finding Description – The CAMDS failed to accurately track the methods and dates of treatment and disposal of each hazardous waste within the facility. In June of 2005, DSHW inspectors requested copies of the operating records for the treatment of GB-contaminated Demilitarization Protective Ensemble (DPE) suits for both Material Decontamination Chamber 2 (MDC2) units at the CAMDS facility. These records were compared to records of containers of GB DPE suits generated at the TOCDF and subsequently treated at CAMDS in the MDC2 units. The comparison of records revealed a number of discrepancies including 18 containers of suits from the TOCDF inventory that do not appear anywhere in the CAMDS operating records and 27 containers of suits documented as being treated in the MDC2 units that do not appear in the TOCDF inventory.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The records provided to DSHW inspectors are not adequate for cradle to grave tracking of hazardous waste. Using the records provided by the CAMDS it was not possible to determine the locations of many of the containers of waste which could result in improper management of the waste.

(b) Extent of Deviation – Minor – The CAMDS was able to track their waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 50% increase - The CAMDS personnel were made aware of this situation in July of 2005. However, corrective action was not taken until October of 2005.

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain an adequate operating record is a violation in one of the past three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical
Agent Disposal Facility
NOV 0601001

Finding 7.4(c)

Finding Description – The CAMDS failed to accurately track the locations of each hazardous waste in the facility and record accurate descriptions of each hazardous waste. During inspections of the CAMDS facility on February 18, 2005, and February 22, 2005, DSHW inspectors documented that operating records for waste incinerated in Burn Basket 07 with Basket Control Number 0504803 on February 17, 2005, incorrectly identified the waste as being “Wood, Paper, Cloth, Tape” when it was actually metal. Inspectors also documented that tracking numbers for containers were not properly entered on tracking documents.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The computer program used to control feed to the MPF allowed this tray to be fed even though the weight of the metal, 116 pounds, that was entered in the category “Wood, Paper, Cloth, Tape” exceeded the permitted weight for wood, paper, cloth, and tape that was restricted to 14 pounds at the time. If the material had been something with more BTU value than the metal it could have caused temperature spike and flameout in the incinerator resulting in excessive emissions to the environment.

(b) Extent of Deviation – Minor – The CAMDS was able to track their waste the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain an adequate operating record is a violation in one of the past three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.4(d)

Finding Description – The CAMDS failed to track in the facility operating record accurate quantities of hazardous waste being treated and stored in tanks. During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, the CAMDS inspectors documented in CRF Number C8245B that the operating record for Toxic Maintenance Facility (TMF) tank T-2 did not accurately reflect the amounts of hazardous waste stored in the tank. This same document also indicated that the operating record for TMF tank T-1 did not include the dates for at least two occasions where waste was added to the tank.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The CAMDS relies on these records to track the locations and amounts of liquid waste placed in and transferred between tanks. Inaccurate records result in the inability to track waste from the point of generation to final disposition as well as increasing the chance of overfilling a tank or mixing incompatible wastes.

(b) Extent of Deviation – Minor – The CAMDS tracked waste placed into tanks and transferred between tanks adequately the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain an adequate operating record is a violation in one of the past three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.4(e)

Finding Description – The CAMDS failed to record in the facility operating record an accurate description of each hazardous waste. While reviewing inventory operating records for the CAMDS storage facilities collected during the CEI in September of 2005, DSHW inspectors documented several entries in the records that do not have waste codes for the waste in storage.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This is a paperwork error. DSHW inspectors were able to locate waste codes for the majority of the waste in question by collecting and reviewing other records such as Hazardous Waste Description Reports and Hazardous Waste Tracking Records.

(b) Extent of Deviation – Minor – The CAMDS recorded the waste codes in the inventory records for the majority of the waste in storage.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain an adequate operating record is a violation in one of the past three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.4(f)

Finding Description – The TOCDF failed to record in the facility operating record the location of each hazardous waste within the facility. During the CEI at the TOCDF on September 22, 2005, DSHW inspectors documented that on several MDB Generated Waste Tracking Forms, operators had failed to record the Burn Tray Numbers for waste processed through the MPF.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Upon further review of this finding it has been determined that enough information existed in the operating record to track the waste. No penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.5(a)

Finding Description – The DCD failed to ensure that all containers of hazardous waste were kept closed during storage. During inspections at the DCD, DSHW inspectors documented on two occasions seven open containers of hazardous waste in storage.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The containers were located in permitted storage buildings and were otherwise being managed properly. All containers were labeled and dated. Access to the buildings is controlled and restricted to employees trained in the management of hazardous waste.

(b) Extent of Deviation – Minor – The DCD kept the majority of containers of hazardous waste closed when waste was not being added or removed.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to maintain containers of hazardous waste in a closed condition is a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical
Agent Disposal Facility
NOV 0601001

Finding 7.5(b)

Finding Description – The CAMDS failed to ensure that all containers of hazardous waste were kept closed during storage. During inspections at the CAMDS, DSHW inspectors documented on two occasions ten open containers of hazardous waste in storage.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Many of these containers were located in areas of the facility that have open access to all employees. No special PPE is required to enter most of the areas and personnel exposure to the waste is possible.

(b) Extent of Deviation – Minor – The CAMDS kept the majority of containers of hazardous waste closed when waste was not being added or removed.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.6

Finding Description - During the CEI on September 7, 2005, DSHW inspectors observed and documented two containers of hazardous waste in the CAMDS permitted storage areas that had exceeded the one-year storage time limit allowed under the Land Disposal Restriction regulations. Inspectors observed drum number C4104MO229601 located in permitted storage in Building 4104. The drum label is dated October 23, 2002, and the label and operating record indicate that the waste is not an agent related waste. Inspectors observed drum number C7060MO413401 located in permitted storage in Building 4105. The drum label is dated May 13, 2004, and the label and operating record indicate that the waste is not an agent related waste.

Gravity based penalty from the matrix

- (a) Potential for Harm – N/A
- (b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – The CAMDS provided documentation in response to this NOV that was not provided to inspectors during the inspection. This documentation shows that the CAMDS made a determination that the waste is not hazardous waste. To avoid this confusion in the future, the CAMDS should change hazardous waste labels to non hazardous waste labels as soon as the determination is made. No penalty will be collected.

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.7

Finding Description - During an inspection of the CAMDS facility on February 28, 2005, a DSHW inspector documented that the CAMDS had been using a version of the CAMDS Part B Permit that had not been modified and approved by the Executive Secretary. The CAMDS had submitted a permit modification request in March of 2004, but the request was not approved by the Executive Secretary until August 11, 2005. However, the CAMDS incorporated the changes into versions of the permit maintained at the facility prior to this approval.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The Executive Secretary is charged with overseeing a program that ensures that hazardous waste in the State of Utah is managed properly. Part of this program involves issuing permits to facilities that manage hazardous waste and approving modifications to those permits. Facilities cannot be allowed to make unapproved modifications to their permits.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 100% increase – The CAMDS personnel are aware of the requirement to have permit modifications approved.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.8(a)

Finding Description – The CAMDS failed to properly operate and maintain all systems used by the Permittee to achieve compliance with the facility Part B Permit by failing to follow Standard Operating Procedures (SOPs). During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector observed an operator performing a sample line challenge on monitoring station 301. When the operator performed a leak check, the vacuum was less than the required minimum stated in the CAMDS SOP but the operator still marked it as passing.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Monitoring station 301 monitors the air inside a laboratory hood. If this hood and monitor are not operating correctly personnel working at this hood may not know that there is agent vapor in the hood thus increasing the risk of exposure.

(b) Extent of Deviation – Minor – The CAMDS operators followed the majority of the steps in the SOP.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 25% increase – When questioned by the DSHW inspector as to why he had marked the test as passing, the operator stated that the vacuum level was close enough.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.8(b)

Finding Description – The CAMDS failed to properly operate and maintain all systems used by the Permittee to achieve compliance with the facility Part B Permit by failing to follow SOPs. During an inspection of the CAMDS facility on July 21, 2005, a DSHW inspector observed an operator performing sample line challenges. The inspector documented several instances where the operator was not following SOPs while performing the challenges. The inspector also documented that another operator had recorded that a leak check on a sample line had passed when the operator had not performed the leak check.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – The sample line challenge that the DSHW inspector observed was on the MPF stack. This is the last possible detection point before agent would be released to the environment. If this sampling system is not functioning properly, agent could be released in unknown quantities to the environment.

(b) Extent of Deviation – Minor – The CAMDS operators followed the majority of the steps in the SOP.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 20% increase – When questioned, the operator who had recorded a passing leak check when he hadn't performed the leak check stated that he was in a hurry to get home and that is why he did not perform the leak check.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.8(c)

Finding Description – The CAMDS failed to properly operate and maintain all systems used by the Permittee to achieve compliance with the facility Part B Permit by failing to have adequate operator staffing. During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the CAMDS did not comply with permit conditions requiring the change out of V/G conversion pads resulting in conversion pads that were overdue for change out.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – If a conversion pad has failed the monitor will no longer detect VX chemical agent accurately and therefore the monitoring is compromised increasing the possibility of not detecting a release of chemical agent; however, conversion pad change out frequencies are conservative and pads may be viable for longer than the change out frequency.

(b) Extent of Deviation – Minor – During this inspection period, DSHW inspectors documented only this one case of a missed conversion pad change out.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.8(d)

Finding Description – The CAMDS failed to properly operate and maintain all systems used to achieve compliance with the facility Part B Permit. During the CEI at the CAMDS facility during September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, the CAMDS inspectors documented in CRF Number C8245A that the level sensor for sump 7A was not installed in the sump.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The report states that operators in the CMO were not aware that the sensor was not in place. This increases the risk of overfilling the sump and having liquid hazardous waste migrate into areas where it is not expected or could expose personnel or the environment.

(b) Extent of Deviation – Minor – The sump level sensor appears to have been in place the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.9

Finding Description - During an inspection of the CAMDS facility on February 28, 2005, a DSHW inspector documented a failure to record data required by the facility Part B Permit. In records dated March 4, 2005 for Station 411 Filter Stack, the inspector documented that operators did not record the flow rates for the QL as required.

Gravity based penalty from the matrix

(a) Potential for Harm – Penalty – N/A

(b) Extent of Deviation – Penalty – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Further review of this finding revealed that it was the Quality Lab (QL) sample where there was no flow rate information recorded. This is not a violation because QLs are spiked in the lab and are not aspirated in the field so there is no flow rate data to record. No penalty will be collected for this finding.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.10

Finding Description – The CAMDS failed to operate the facility in a manner that minimizes the possibility of any unplanned release of hazardous waste or constituents to the air. During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that facility personnel were aware that filter stack monitors were not operating but did not notify personnel in the CMO of the situation.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – The filter stack monitors are the last point of detection and warning that chemical agent has broken through the filters and is being release to the environment. When these monitors are not functioning the Permittee cannot tell if agent is being released.

(b) Extent of Deviation – Minor – The CAMDS operated the facility in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 30% increase – The DSHW inspector documented that a monitoring operator was in the building where the filter stack monitors are located when the power went out but the operator did not notify the CMO or monitoring supervisors that the monitors were down. When monitoring was notified, a monitoring operator reported to the CMO, noted the numbers of the monitors in malfunction but did not immediately proceed to solve the problem. The operator was observed by the DSHW inspector in the CMO eating before proceeding to investigate the problem.

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to operate the facility in a manner that minimizes the possibility of a release to the environment is a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.11

Finding Description – The CAMDS failed to follow the inspection procedures contained in the facility Part B Permit. During the CEI at the CAMDS on September 12, 2005, DSHW inspectors observed that the floor coating in the ECC permitted storage area was chipped and in need of repair. A review of inspection logs for the area revealed that inspectors had not documented the condition of the floor as required.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – The majority of the floor coating was in good repair. No cracks were observed in the concrete that was exposed.
- (b) Extent of Deviation – Minor – The CAMDS followed the inspection plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to follow the inspection procedures is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.12(a)

Finding Description – The CAMDS failed to follow Preparedness and Prevention procedures contained in the facility Part B Permit by not developing and following item specific procedures for handling of explosives, munitions and agents. On August 24, 2005, an incident occurred at the CAMDS where an Automatic Continuous Air Monitoring System (ACAMS) monitoring the Multi Purpose Demil Facility (MDF) Un-pack Area (UPA), a category C ventilation area, went into alarm while workers were in the area unpacking waste items. The report on this incident concludes that the SOPs for working in the MDF UPA did not have procedures for handling the items.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – Operators performing this operation were initially not wearing respirators or gloves. They donned this protective equipment after smelling a peculiar odor while assessing the tightness of the bolts on the containers. An unmasked security guard was standing by the open rollup door which opens the room to the outside environment. Employees not wearing any protective equipment could walk past outside the door. The door was not closed until 3 to 5 minutes after the alarm sounded because the CMO was not aware that any operations were taking place in the room and the operators in the room were not aware of the alarm until notified by the CMO after they discovered upon investigation of the alarm that personnel were in the room. No alarm sounded in the room because the remote alarm had not been connected because it was not compatible with the monitor being used.

(b) Extent of Deviation – Moderate – The CAMDS failed to follow multiple SOPs and did not have monitoring alarm systems properly established.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 10% increase – The CAMDS operators should have developed procedures and planned this operation as required by the Preparedness and Prevention plan. Operators should not perform any potentially hazardous procedure without first communicating with the CMO so that operators there are aware of the operation.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.12(b)

Finding Description – The CAMDS failed to follow the Preparedness and Prevention Plan in the facility Part B Permit by not having medical support personnel and equipment present during chemical agent operations. In a letter dated February 9, 2005, DSHW Tracking Number 05.00651, DCD reported that on January 29 and 30, 2005, medical support personnel were not present at the CAMDS facility while chemical operations were taking place.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Medical personnel and equipment were present at the DCD Medical Aid Station which is 3 to 4 miles from the CAMDS site. Because of this distance response would be delayed for several minutes which could result in more harm to personnel.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.13(a)

Finding Description – The CAMDS failed to follow the facility Contingency Plan. On August 24, 2005, an incident occurred at the CAMDS where an ACAMS monitoring the MDF UPA, a category C ventilation area, went into alarm while workers were in the area unpacking waste items. The report on this incident concludes that mistakes and misunderstandings between the laboratory and CMO caused a delay in realizing the full scope of the event, which resulted in the CMO failing to notify the DCD Emergency Operations Center (EOC) as required

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Failure to notify the EOC could result in response delays and thus cause more harm to human health and the environment.

(b) Extent of Deviation – Minor – The CAMDS followed the Contingency Plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to follow the Contingency Plan is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.13(b)

Finding Description – The CAMDS failed to follow the facility Contingency Plan by failing to record information required by the plan in the CMO logbook. On January 27, 2005, a fire occurred in the rubber monitoring room adjacent to the Residual Storage Area (RSA) at the CAMDS. While reviewing facility records after the fire, a DSHW inspector documented that personnel in the CMO had failed to follow the facility contingency plan. Personnel failed to record in the CMO Log Book the name of the person reporting the fire, the type and potential quantities of chemical agent or hazardous materials involved, and any information regarding casualties.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This was mainly a paperwork error. Response to the fire was handled appropriately.

(b) Extent of Deviation – Minor – The CAMDS followed the Contingency Plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to follow the Contingency Plan is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.14

Finding Description – During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that the CAMDS failed to continuously monitor the filter stacks when the Near Real Time (NRT) monitors and Depot Area Air Monitoring System (DAAMS) stations for filter stacks 20, 21, and 22 were off line for 53 minutes.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The filter stack monitors are the last point of detection and warning that chemical agent has broken through the filters and is being release to the environment. When these monitors are not functioning the Permittee cannot tell if agent is being released.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – 30% increase – The DSHW inspector documented that a monitoring operator was in the building where the filter stack monitors are located when the power went out but the operator did not notify the CMO or monitoring supervisors that the monitors were down. When monitoring was notified, a monitoring operator reported to the CMO, noted the numbers of the monitors in malfunction but did not immediately proceed to solve the problem. The operator was observed by the DSHW inspector in the CMO eating before proceeding to investigate the problem.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.15

Finding Description - During an inspection of the CAMDS facility on August 30, 2005, a DSHW inspector documented that Filter Stack 7 was not continuously monitored with DAAMS tubes on July 31, 2005.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The filter stack monitors are the last point of detection and warning that chemical agent has broken through the filters and is being release to the environment. When these monitors are not functioning the Permittee cannot tell if agent is being released.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.16

Finding Description – The CAMDS failed to pull and analyze the DAAMS tubes monitoring filter Stack 22 as soon as the Near Real Time (NRT) monitor for the stack was back on-line after it had been off-line for more than five instrument cycles. In a letter dated August 18, 2005, DSHW Tracking Number 05.02873, DCD reported that on July 31, 2005, the NRT monitor for Filter Stack 22 monitoring for HD was off-line for 34 minutes from 1508 to 1542 hours, which exceeded five instrument cycles. The DAAMS tubes for this station were not pulled until 1800 hours and were not analyzed until 2357 hours.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The DAAMS tubes are used to confirm that there was not a release of agent during the time period that the NRT monitor was off-line. The tubes were analyzed and no agent was detected.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with this requirement the majority of the time. The analysis of the tubes was not performed in the time frame required by the facility Part B Permit.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to pull and analyze DAAMS tubes on filter stacks is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.17

Finding Description - In a letter dated December 6, 2004, DSHW Tracking Number 04.04228, DCD reported that on December 2, 2004, operators at the CAMDS placed 1,325 gallons of spent decontamination solution generated from mustard operations into a tank that held 2,893 gallons of spent decontamination solution generated from agent GB operations.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – These two solutions are potentially incompatible in the right quantities. In this case the solutions were dilute enough that no reaction occurred when they were mixed together.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with the requirement to not mix incompatible wastes the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – The operator in charge of this operation should have verified that all valves were properly aligned so that the spent decontamination solution from the mustard operations would go to the proper tank. Improper valve alignment is the cause for the mixing of these two waste streams.

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Placing waste liquid in tanks that have not been emptied of their previous contents and cleaned prior to receiving a different waste is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.18(a)

Finding Description - In a letter dated December 6, 2004, DSHW Tracking Number 04.04226, DCD reported that on December 2, 2004, the 24-hour time limit for storage of hazardous waste in a sump was exceeded for Bulk Item Facility (BIF) sump 3B located at the CAMDS facility.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This sump is located in a toxic area of the facility. Access is controlled and personnel who enter the area must wear PPE.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with the requirement to empty sumps in 24-hours the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.18(b)

Finding Description - During an inspection of the CAMDS facility on May 22, 2005, a DSHW inspector documented that BIF sump 3B had exceeded the 24-hour time limit for storage of hazardous waste in a sump.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – The CAMDS has provided additional information to show that the level sensor had malfunctioned and indicated a liquid level when there wasn't any liquid present. No penalty will be collected.

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.19(a)

Finding Description – The CAMDS exceeded the 50 percent maximum feed rate allowed during the post trial burn period. During an inspection of the CAMDS facility, DSHW inspectors received copies of MPF Burn Basket tracking reports. These reports document that on February 23, 2005, the feed rate for Hi BTU Plastic was exceeded for burn basket numbers 01 and 07.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – The feed rate for items with high BTU values is set at levels to prevent sudden flashing or fast burning of the materials in the incinerator. A sudden fast burn or flash would cause a spike in temperature which could cause a flame out or other problems in controlling the incinerator which could result in incomplete treatment of waste as well as a release of hazardous pollutants to the air.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with incinerator feed rates the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the feed rate was exceeded.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.19(b)

Finding Description – The CAMDS exceeded the 50 percent maximum feed rate allowed during the post trial burn period. In a letter dated September 1, 2005, DSHW Tracking Number 05.02984, DCD reported that on August 7, 2005, a burn basket was fed to the MPF which exceeded the permitted feed limit for ash content.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The feed limit was exceeded by less than ½ of a pound.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with incinerator feed rates the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The CAMDS reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.20

Finding Description – The CAMDS failed to monitor the air exhaust from the MDC-2A with DAAMS tubes. During an inspection of the CAMDS facility on February 18, 2005, a DSHW inspector documented that the MDC-2A did not have DAAMS tubes monitoring the air exiting the unit and had never had them. The MDC-2A had been in operation since June 3, 2004, and operated approximately 291 days until April 11, 2005.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The exhaust was being monitored by a NRT monitor and no agent was detected. The exhaust is opened after the MDC2 has completed its operating cycle and the air inside the unit has been verified by monitoring as clean. The exhaust is routed to a bank of carbon filters.

(b) Extent of Deviation – Major – The CAMDS did not have the required monitoring equipment in operation the majority of the time that it was being used to perform treatment of hazardous waste.

Multi-Day Penalty – Minor-Major – The CAMDS operated the MDC-2A for 240 days without the required monitoring in place.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.21(a) and (b)

Finding Description – The CAMDS failed to use calibrated instruments and failed to remove instruments that failed calibration from service. During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector documented that facility personnel were using un-calibrated instruments to check the flow on DAAMS stations used to monitor for chemical agent at the facility. During an inspection of the CAMDS facility on November 22, 2004, a DSHW inspector documented that mass flow meters were not calibrated correctly which resulted in flow measurement devices on agent monitoring systems being calibrated incorrectly.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Use of un-calibrated and incorrectly calibrated instruments to measure flow results in monitors that may not be pulling enough air or may be pulling too much air and therefore results in inaccurate readings at the monitor.

(b) Extent of Deviation – Minor – DSHW inspectors documented only these two occasions during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical
Agent Disposal Facility
NOV 0601001

Finding 7.22

Finding Description – The CAMDS failed on more than one occasion to maintain log books at all DAAMS stations. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that there was no DAAMS log book at the LIC agent room DAAMS station. During another inspection of the CAMDS facility on August 30, 2005, a DSHW inspector documented that there were no DAAMS log books at 11 of the 197 DAAMS stations maintained by the CAMDS.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This is a paperwork violation. Strip charts and other data sources were available to determine monitoring operations.

(b) Extent of Deviation – Minor – The CAMDS had log books at the majority of the DAAMS stations during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.23

Finding Description – The CAMDS failed to perform an initial monitoring baseline study to demonstrate readiness of the system to support operations. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector learned that a baseline had not been performed for monitoring in the Chemical Treatment Facility (CTF) process area and that work was now being performed in the area.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – Monitoring equipment is regularly challenged to ensure proper operation.
- (b) Extent of Deviation – Minor – DSHW inspectors documented only this one occasion during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.24

Finding Description – The CAMDS failed on at least three occasions to record required information on strip charts and in log books. DSHW inspectors documented on one occasion that the CAMDS operators had failed to record flow rates and aspiration times in a DAAMS log book. On another occasion a DSHW inspector documented that operators had not recorded all required data in DAAMS log books for tubes pulled during an upset condition. On another occasion a DSHW inspector documented that for two different monitoring stations operators had failed to record the location, date, operator or analyst, time, and agent being monitored on the strip charts for the two stations.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – These are mainly paperwork errors that make it difficult to verify information but do not affect the monitoring.

(b) Extent of Deviation – Minor – DSHW inspectors only documented three occurrences of missed chart annotations.

Multi-Event Penalty – This finding documents three separate occasions where the CAMDS operators failed to record required information.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.25

Finding Description – The CAMDS personnel failed on seven occasions to re-challenge sample lines and take corrective action on sample lines that had failed a challenge. A DSHW inspector documented that on August 3, 2005, a line challenge was performed on DAAMS station number 413. The tubes from the line challenge were analyzed the same day and indicated a failure. Operators waited until August 15, 2005 to perform corrective action on the sample line. During another inspection a DSHW inspector documented that the sample lines for monitoring stations 908 and 910 were challenged only once on June 7, 2005, and only once on June 13, 2005, even though the challenges failed on both days; the sample line for monitoring station 301 was challenged only once on May 16, 2005, even though the challenge failed. Station 301 was challenged twice and failed twice on May 21, 2005, and operators noted on the data sheet that the challenge failed and the line needed to be replaced. There was no documentation indicating the line for station 301 was replaced and re-challenged.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Monitoring instruments with sample lines that do not pass a challenge may not be collecting a representative sample and therefore the data collected from that monitoring station cannot be relied upon as accurate. Station 301 is a laboratory hood. Monitoring systems in areas where personnel are located on a regular basis need to be functioning properly at all times to adequately protect human health.

(b) Extent of Deviation – Minor – DSHW inspectors only documented these seven occasions during this inspection period.

Multi-Event Penalty – This finding documents seven separate occasions where the CAMDS operators failed to take appropriate and required action when sample line challenges failed.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.26(a)

Finding Description – The CAMDS failed to complete the required Precision and Accuracy (P&A) study method certification for all monitoring instruments used to support operations. During an inspection of the CAMDS facility on December 9, 2004, a DSHW inspector documented that an appropriate P&A study had not been done for MINICAMS 2947.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – The CAMDS has provided an explanation that the instrument was being tested during the trial burn to determine if it could be used in the future. Another instrument was operating during the trial burn and was being used for compliance purposes. No penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.26(b)

Finding Description - During an inspection of the CAMDS facility on July 21, 2005, a DSHW inspector was informed by the CAMDS personnel that the CAMDS had never sent a P&A study to the Chemical Materials Agency (CMA) for approval as required.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This is mainly a paperwork error. The P&A studies have been performed but the studies have never been sent to the CMA for review.

(b) Extent of Deviation – Major – As stated above, the CAMDS has never complied with this requirement.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.27(a)

Finding Description – The CAMDS failed to change V/G conversion pads according to the required schedules. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that the V/G conversion pads that were installed on September 1, 2005, were not changed again until September 30, 2005. These pads are required to be changed every 28 days.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – If a conversion pad has failed the monitor will no longer detect VX chemical agent accurately and therefore the monitoring is compromised increasing the possibility of not being able to quantify the amount of agent released. Conversion pad change out frequencies are conservative and pads may be viable for longer than the change out frequency.

(b) Extent of Deviation – Minor – The CAMDS changed conversion pads according to schedule the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.27(b)

Finding Description – The CAMDS failed to change V/G conversion pads according to the required schedules. During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the V/G conversion pads for NRT Monitor Stations 513 and 185 had not been changed since June 9, 2005. These pads are required to be changed every seven days.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Based on further review of this requirement it has been determined that at the time of this inspection this was not a permit requirement and therefore there is no violation. No penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.28

Finding Description – The CAMDS failed to challenge the MPF stack DAAMS sample line every four hours as required. During a phone conversation with the CAMDS personnel on July 20, 2005, documented in a follow-up inspection report on July 21, 2005, a DSHW inspector learned that the CAMDS had never challenged the MPF stack DAAMS sample line since the issuance of the CAMDS Part B Permit in September of 1999.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Challenging the sample line determines whether or not the monitoring system is functioning properly. The MPF stack is monitored by a NRT in addition to the DAAMS tubes. The NRT would alarm in the event that agent was released from the stack and operations would stop. DAAMS tubes would be used to confirm the alarm. If the DAAMS system is not operating properly it would be possible that a true agent alarm would not be confirmed.

(b) Extent of Deviation – Major – The CAMDS has never complied with this requirement.

Multi-Day Penalty – Moderate-Major – The CAMDS has been out of compliance with this requirement since September of 1999.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical
Agent Disposal Facility
NOV 0601001

Finding 7.29

Finding Description – The CAMDS failed to follow some aspects of the CAMDS Site Laboratory and Monitoring Quality Control Plan by failing to follow procedures for preparation of standards. During the CEI at the CAMDS facility in September of 2005 DSHW inspectors performed an audit of the CAMDS Lab. This audit documented eight areas where the CAMDS Lab personnel had not followed procedures for the preparation of standards.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This is mainly a paperwork issue. Standards are used for testing and calibration of monitoring and laboratory equipment. Preparation of standards appears to have been done properly but the documentation that supports the process was not done accurately.

(b) Extent of Deviation – Minor – The CAMDS properly documented the preparation of standards the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.30

Finding Description – The CAMDS failed to follow the schedule for Quality Plant (QP) sampling of DAAMS tubes at least once every 28 days. During an inspection of the CAMDS facility on June 24, 2005, a DSHW inspector documented that the CAMDS had not been performing the required QP sampling for VX and GB on the perimeter monitors in accordance with the rotating schedule since January of 2005.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Based on further review of this requirement it has been determined that at the time of this inspection this was not a permit requirement and therefore there is no violation. No penalty will be collected.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.31(a) and (b)

Finding Description – The CAMDS failed to ensure that all doors to permitted hazardous waste storage areas were locked. During an inspection of the CAMDS facility on September 23, 2005, a DSHW inspector documented that the roll up door on the MDF/BIF permitted storage area was open; however, no personnel were present and no activities were taking place in the area. During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on June 24, 2005, the CAMDS improperly stored hazardous waste in the Equipment Test Facility because the building was not secured.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The CAMDS facility is located well inside the Deseret Chemical Depot which is fenced and secured. Containers of hazardous waste located inside the areas were being managed properly. All containers were closed, labeled and dated.

(b) Extent of Deviation – Minor – The CAMDS was in compliance with the requirement to secure permitted storage areas the majority of the time during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the CAMDS failed to ensure that all doors to permitted hazardous waste storage areas were locked.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.32

Finding Description – During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on June 9, 2005, the CAMDS had exceeded the number of pallets allowed per row in permitted storage Buildings 4104 and 4105. The logs indicated that Building 4104 had ten pallets per row and that Building 4105 had twelve pallets per row.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – All containers of waste located in these areas were being managed properly except for the number of pallets per row.
- (b) Extent of Deviation – Minor – The CAMDS complied with the number of pallets per row the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.33

Finding Description - During the CEI at the CAMDS facility in September of 2005, a DSHW inspector reviewing inspection logs documented that on August 24, 2005, CAMDS inspectors documented in CRF Number D8245a that aisle space in the ECC Unpack was less than the 24 inches required.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – All containers of waste located in these areas were being managed properly except for the aisle space requirement.
- (b) Extent of Deviation – Minor – The CAMDS was in compliance with the aisle space requirements the majority of the time during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.34

Finding Description – The CAMDS failed to follow some requirements of the CAMDS Site Monitoring Plan. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector observed that the LIC corridor and the Chemical Distribution System (CDS) Category C area adjacent to the RSA, which are “out of process areas,” were not being monitored correctly for the Short Term Exposure Limit (STEL) and Worker Population Limit (WPL). Additionally, the CTF process area was only being monitored for GB and VX with an NRT monitor. No NRT monitoring was being conducted for HD; only DAAMS were being used.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – These areas are required to be monitored with NRT monitors for worker protection because they are either areas where work is being done with chemical agents or chemical agent contaminated materials or they are adjacent to these types of areas. Without proper monitoring with NRT monitors workers could be unknowingly exposed to chemical agents.

(b) Extent of Deviation – Minor – DSHW inspectors documented only this one incident during this inspection period.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.35(a) and (b)

Finding Description – The CAMDS failed to ensure that the ACAMS Data Acquisition Module (ADAMS) computer and the annunciator panel in the CMO would alarm as required by the facility Part B Permit. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector observed that the MINICAM used to monitor the CTF for GB and VX did not send an alarm signal to the ADAMS computer and the annunciator panel did not alarm when the MINICAM was challenged at alarm set points. During an inspection of the CAMDS facility on July 15, 2005, a DSHW inspector observed that the annunciator panel in the CMO did not alarm when a site MINICAM had malfunctioned. Further investigation revealed that the annunciator panel did not alarm when any of the MINICAMS at the facility malfunctioned and that it was not wired to alarm for malfunctions.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – If alarms are not received in the CMO when remote agent monitoring instruments alarm in the field, response could be delayed or even non-existent until workers happen to enter the area where the monitoring instrument is located and hear the local alarm. Additionally, operators in the CMO would not know to evacuate personnel from an area.

(b) Extent of Deviation – Major – The annunciator was not wired so that it could receive malfunction alarm signals for the entire inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the CAMDS failed to ensure that all NRT alarms and malfunction signals would be indicated in the CMO.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.36

Finding Description – The CAMDS failed to follow the CAMDS Site Monitoring Plan by failing to correctly monitor the monitoring lunch room for chemical agent. During an inspection of the CAMDS facility on September 30, 2005, a DSHW inspector documented that the monitoring lunchroom was being monitored with DAAMS for HD only. No monitoring for GB and VX was being performed.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – Although no process areas are adjacent to the monitoring lunch room it is defined by the monitoring plan as a process support area and must be monitored according to this definition. The chemical agent standards stored in this area are dilute standards.

(b) Extent of Deviation – Moderate – The CAMDS was monitoring the lunch room for only one of the three chemical agents.

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.37

Finding Description - In a letter dated December 20, 2004, DSHW Tracking Number 04.04343, the TOCDF reported a failure to orally report four leaks of P999 waste from Agent Collection System (ACS) Pumps 9300 and 9400 within 24 hours after the spill occurrence. The four leaks occurred over a one month period.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This failure to report within the required time frame was caused by human error. The requirement to report these leaks had been added to the facility Part B Permit earlier in 2004 but had not been understood by all facility personnel. Notification of the leaks was not made to environmental personnel at the time of occurrence.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with the requirement to orally report spills within 24 hours the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.38

Finding Description - In a letter dated December 20, 2004, DSHW Tracking Number 04.04343, the TOCDF reported a failure to submit written reports of four leaks of P999 waste from Agent Collection System (ACS) Pumps 9300 and 9400 within 24 hours after the spill occurrence. The four leaks occurred over a one month period.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This failure to report within the required time frame was caused by human error. The requirement to report these leaks had been added to the facility Part B Permit earlier in 2004 but had not been understood by all facility personnel. Notification of the leaks was not made to environmental personnel at the time of occurrence.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with the requirement to submit written spill reports within 15 days the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.39(a)

Finding Description – The TOCDF failed to properly operate and maintain all facilities and systems used by the Permittee to achieve compliance with the facility Part B Permit. On December 6, 2004, a DSHW inspector reviewed Critique 325 entitled Mine Drum Inadvertently Punched. This critique documents that on December 1, 2004, TOCDF employees placed the Mine Drum Monitoring Device (MDMD) on a mine drum without first ensuring that the punch had been retracted as required by procedure. This failure potentially exposed the two employees working with the mine drums to VX chemical agent vapors.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – The mine drum that was punched did contain leaking mines. This was confirmed when the operators connected the ACAMS to the device and it alarmed immediately. The workers were not wearing protective masks and worked on another drum before it was learned that the first drum had been punched.

(b) Extent of Deviation – Minor – The TOCDF properly operated and maintained facilities and systems used to achieve compliance with the facility Part B Permit the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF personnel informed the DSHW inspector that this event had occurred.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to properly operate and maintain all facilities and systems is a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.39(b)

Finding Description – The TOCDF failed to properly operate and maintain all facilities and systems used by the Permittee to achieve compliance with the facility Part B Permit. In a letter dated April 22, 2005, DSHW Tracking Number 05.01657, the TOCDF reported a failure to complete the inspection of SDS-Sump-151 in accordance with requirements of the TOCDF Part B Permit. This letter also explained that during the cleanup of the sump following the discovery that it was not adequately inspected, it was discovered that the sump low level detection probe was bent and the high level probe was missing.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The sump was in good condition when the inspection was completed. The sump is located in the TOX and is the secondary containment sump for the agent storage tanks. Although bent, the low level detection probe was functioning and the high-high level probe was also functioning.

(b) Extent of Deviation – Minor – The TOCDF properly operated and maintained facilities and systems used to achieve compliance with the facility Part B Permit the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to properly operate and maintain all facilities and systems is a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.39(c)

Finding Description – The TOCDF failed to properly operate and maintain all facilities and systems used by the Permittee to achieve compliance with the facility Part B Permit. In a letter dated December 22, 2004, DSHW Tracking Number 04.04368, the TOCDF reported that SDS-Sump-135 stored waste for longer than the 24-hour period allowed by the TOCDF Part B Permit. The reason that the sump exceeded the 24-hour limit was that the low level probe had been removed from the sump sometime between November 28 and December 1, 2004, so that no alarm was sent to the Control Room (CON) when liquid began to accumulate in the sump.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The high and high-high level probes were still installed and likely would have functioned had the liquid level in the sump reached that point. The sump was in good condition at the time.

(b) Extent of Deviation – Minor – The TOCDF properly operated and maintained facilities and systems used to achieve compliance with the facility Part B Permit the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to properly operate and maintain all facilities and systems is a violation in two of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.40

Finding Description – The TOCDF failed to follow the facility Waste Analysis Plan (WAP) contained in Attachment 2 of the TOCDF Part B Permit. During the CEI at the TOCDF facility in September of 2005, the DSHW performed an audit of the Chemical Assessment Lab (CAL). During the audit, DSHW inspectors documented that the TOCDF had used a method for analysis of Spent Decontamination System (SDS) tank samples that was not specified in the WAP.

Gravity based penalty from the matrix

- (a) Potential for Harm – N/A
- (b) Extent of Deviation – N/A

Percent increase/decrease for good faith – N/A

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – Upon further review of this finding and discussion with personnel from the TOCDF the Executive Secretary has decided that no penalty will be sought for this finding.

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.41

Finding Description – The TOCDF failed to follow the facility Inspection Plan contained in Attachment 5 of the TOCDF Part B Permit. In a letter dated April 22, 2005, DSHW Tracking Number 05.01657, the TOCDF reported a failure to complete the inspection of SDS-Sump-151 in accordance with requirements of the TOCDF Part B Permit. The report states that there was a mixture of sludge and water in the sump that prohibited the ability to complete a sufficient inspection of the integrity of the sump.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This sump is a concrete vault with a metal liner that is coated with material that is impermeable to the liquids that could collect in the sump. The liner was in good repair at the time of the incident.

(b) Extent of Deviation – Minor – The TOCDF followed the Inspection Plan the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to follow the Inspection Plan is a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.42

Finding Description – The TOCDF failed to ensure that all employees followed the Training Plan contained in Attachment 5 of the TOCDF Part B Permit. In a letter dated July 28, 2005, DSHW Tracking Number 05.02695, the TOCDF reported that an employee failed to take required refresher training within the time period required by the TOCDF Part B Permit.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – The employee in question did take the required refresher training, but failed to take it within the allowed time period specified in the Training Plan.
- (b) Extent of Deviation – Minor – During this inspection period only one instance of failing to follow the Training Plan was documented.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to follow the training plan is a violation in all of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.43

Finding Description – The TOCDF failed to monitor the air inside of all sealed On-Site Containers (ONCs) that remain in the Container Handling Building (CHB) for more than seven days. In a letter dated November 23, 2004, DSHW Tracking Number 04.04119, the TOCDF reported that an ONC remained in the CHB for more than seven days without being monitored for agent. The ONC was in the CHB for ten days.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – When the ONC arrived at the CHB the door seal was tested to ensure a valid seal and the test was passed. When the failure to monitor was discovered the ONC was moved to the Unpack Area where it was monitored prior to opening. No chemical agent was detected.

(b) Extent of Deviation – Minor – Only one instance of failure to monitor the air inside an ONC was documented during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.44

Finding Description – The TOCDF failed to prevent the overfilling of some sumps used to collect spent decontamination solutions. In a letter dated December 7, 2004, DSHW Tracking Number 04.04241, the TOCDF reported that on November 16, 2004, the permitted level for SDS-SUMP-154 was exceeded.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The sump is located in the Toxic Maintenance Area of the Munitions Demilitarization Building. The sump and floor in the area were in good repair at the time of the incident. No liquid entered the secondary containment of the sump.

(b) Extent of Deviation – Minor – Only one occasion of overfilling a sump was documented during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Exceeding the capacity of sumps is a violation in one of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.45

Finding Description - In a letter dated December 22, 2004, DSHW Tracking Number 04.04368, the TOCDF reported that SDS-Sump-135 stored waste for longer than the 24-hour period allowed by the TOCDF Part B Permit. The reason that the sump exceeded the 24-hour limit was that the low level probe had been removed from the sump sometime between November 28 and December 1, 2004, so that no alarm was sent to the Control Room (CON) when liquid began to accumulate in the sump.

Gravity based penalty from the matrix

- (a) Potential for Harm – Minor – The sump liner was in good repair at the time of the incident. There was no indication of a leak into the sump secondary space.
- (b) Extent of Deviation – Minor – The TOCDF removed waste from sumps within 24 hours the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.46(a) and (b)

Finding Description – The TOCDF placed repaired tank systems back in use prior to receiving the certification from an independent, registered, professional engineer that the systems were capable of handling hazardous waste. In a letter dated November 3, 2004, DSHW Tracking Number 04.03988, the TOCDF reported that SDS Tank 103 was inadvertently put back into service prior to receiving certification that the repaired tank was capable of handling hazardous waste. Due to an improperly installed blind flange, liquid flowed into the tank on October 19, 2004. In a letter dated April 28, 2005, DSHW Tracking Number 05.01702, the TOCDF reported that hazardous waste collected in SDS-Sump-175 while it was out of service awaiting the receipt of certification for repairs that had been performed.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – Both systems had been tested and inspected by an independent professional engineer prior to the waste entering the systems. Both systems had passed inspection and the TOCDF was just waiting to receive the certifications from the engineer when waste inadvertently entered them.

(b) Extent of Deviation – Minor – Only these two instances were documented during this inspection period.

Multi-Event Penalty – This finding documents two separate occasions where the TOCDF had not yet received certification of repairs before waste was placed into tank systems.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported both of these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Placing waste into a newly repaired tank system prior to receiving certification of the repairs is a violation in one of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.47

Finding Description – The TOCDF failed to maintain compliance with approved waste feed cut-off settings. In a letter dated November 3, 2004, DSHW Tracking Number 04.03990, the TOCDF reported that on September 30, 2004, the Automatic Waste Feed Cut-Offs (AWFCO) for feed to both LICs were changed based on an approved permit modification request and were set at 75% of the full feed rate as allowed by the TOCDF Part B Permit. On October 12, 2004, it was discovered that the feed rate limits programmed into the system were based on an incorrect calculated value and were actually set six pounds higher than the authorized 75% feed rate.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – A review of process data confirms that the TOCDF never exceeded the 75% feed rate. The correct feed rate was specified in operator SOPs so that when an operator entered the maximum rate on the control screen it was correct even though the automatic waste feed cut-off was set six pounds higher.

(b) Extent of Deviation – Minor – The TOCDF was in compliance with waste feed cut-off settings the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.48(a)

Finding Description – The TOCDF failed to comply with operating requirements specified in the TOCDF Part B Permit for operation of the Mine Machine. The TOCDF Part B Permit specified that the fuse well on mines would be removed at the Fuse Well Assembly Removal Station (FARS) before mines were sent to the Deactivation Furnace (DFS) for incineration. In letters dated January 5, 2005 and March 11, 2005, the TOCDF reported that on December 2, 2004, and on February 21, 2005, punched and drained mines inadvertently bypassed the FARS and were sent to the DFS.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – No abnormal DFS operating conditions resulted from the feeding of mines with the fuse well still in place.

(b) Extent of Deviation – Minor – The TOCDF operated the Mine Machine in compliance with permitted operating requirements the majority of the time during this inspection period.

Multi-Event Penalty – These two letters document 16 times when mines were fed to the DFS after bypassing the FARS.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.48(b)

Finding Description - In a letter dated January 10, 2005, DSHW Tracking Number 05.00154, the TOCDF reported that on December 12, 2004, the permitted storage limit for mines and mine component carriers in the Explosives Containment Room (ECR) was exceeded. The Permit allows a combination of 12 mines and mine component carriers to be stored in the ECR. On January 10, 2005, 14 mines and mine component carriers were stored in the ECR.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – Access to the ECR is controlled and restricted. The mines were stored and managed properly.

(b) Extent of Deviation – Minor – Only this one exceedance of the mine storage limit in the ECR occurred during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – This storage exceedance occurred because operators in the control room and the entrants did not properly plan and execute their work to allow time for moving mines into an adjacent storage area at the end of the entry.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.49

Finding Description - In a letter dated January 4, 2005, DSHW Tracking Number 05.00153, the TOCDF reported that on December 12, 2004, an insufficient drain indication occurred on two mines when they were punched and drained. The first mine was subsequently fed to the DFS without notifying the Executive Secretary prior to taking this action.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – The delay in transmitting the information did not change the handling of the waste.

(b) Extent of Deviation – Minor – The TOCDF failed only this one time to comply with this reporting requirement during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.50

Finding Description - During an inspection at the TOCDF on December 27, 2004, a DSHW inspector was informed that the ACAMS in the UPA used to monitor spray tank overpacks for the presence of chemical agent was improperly configured so that it was not monitoring the spray tank overpacks as required. The TOCDF subsequently reported this by a letter dated January 18, 2005, DSHW Tracking Number 05.00346. The sample line was improperly configured from October 25, 2004, to December 21, 2004, allowing 150 to 170 spray tank overpacks to be opened without proper monitoring.

Gravity based penalty from the matrix

(a) Potential for Harm – Major – Workers in the UPA rely on monitoring instruments to determine if a higher level of PPE is required to open an overpack container. Without accurate monitoring, workers could be exposed to chemical agent without any warning and while wearing inappropriate PPE.

(b) Extent of Deviation – Minor – The TOCDF complied with the condition to monitor overpacks prior to opening them the majority of the time during this inspection period.

Multi-Day Penalty – Major-Minor – The TOCDF was not monitoring overpack containers in the UPA for 58 days.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.51(a) and (b)

Finding Description – The TOCDF failed to change the V/G conversion pads in all non-toxic areas on a daily basis. In a letter dated October 4, 2004, DSHW Tracking Number 04.03577, the TOCDF reported that on September 18 and 19, 2004, operators failed to replace the V/G conversion pad on DAAMS Station MPF 476V. In a letter dated May 25, 2005, DSHW Tracking Number 05.03007, the TOCDF reported a failure to replace the V/G conversion pad on instrument ACAMS DUN 252V when an entry was made into the room monitored by this instrument.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – DAAMS Station MPF 476V is located in the MPF Cool Down Area. Trays of incinerated waste must pass through the discharge airlock on the MPF, where they are monitored for agent vapors, before they enter the cool down area. The monitoring instruments in the discharge airlock were operating properly at this time and did not detect any chemical agent vapors. ACAMS DUN 252V monitors the Dunnage Incinerator Room. The Dunnage Incinerator has never been used to treat chemical agent or chemical agent contaminated waste and has been idle for several years.

(b) Extent of Deviation – Minor – The TOCDF changed V/G conversion pads as required by the facility Part B Permit the majority of the time during this inspection period.

Multi-Event Penalty – These two letters document three occasions where V/G conversion pads were not changed according to schedules.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to change V/G conversion pads according to schedule has been a violation in two of the last three NOVs.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.52(a), (b), and (c)

Finding Description – The TOCDF failed to change the V/G conversion pads on ACAMS monitoring toxic areas each time a team enters the area. In a letter dated October 12, 2004, DSHW Tracking Number 04.03746, the TOCDF reported that the V/G conversion pad for ACAMS Station AL211V had not been changed for an indeterminate amount of time. In a letter dated August 23, 2005, DSHW Tracking Number 05.02936, the TOCDF reported that the V/G conversion pad for ACAMS station ECV 208V was not replaced on August 9, 2005, when workers entered the room. In a letter dated September 30, 2005, DSHW Tracking Number 05.03297, the TOCDF reported that the V/G conversion pad for ACAMS station ECR 321V was not replaced on September 19, 2005, when workers entered the room.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – If a conversion pad has failed the monitor will no longer detect VX chemical agent accurately and therefore the monitoring is compromised increasing the possibility of not quantifying a release of chemical agent; however, conversion pad change out frequencies are conservative and pads may be viable for longer than the change out frequency.

(b) Extent of Deviation – Minor – The TOCDF changed V/G conversion pads as required by the facility Part B Permit the majority of the time during this inspection period.

Multi-Event Penalty – These letters document three occasions where V/G conversion pads were not changed according to schedules.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported these violations at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – 15% increase – Failure to change V/G conversion pads according to schedule has been a violation in two of the last three NOV's.

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.53

Finding Description - In a letter dated October 18, 2004, DSHW Tracking Number 04.03784, the TOCDF reported that on October 1, 2004, when ACAMS Station CAL 951V, which monitors the CAL filter stack, went into alarm, the remote alarm located in the CAL was not activated as required.

Gravity based penalty from the matrix

- (a) Potential for Harm – Moderate – Without the remote alarm agent could be released from the filter without anyone being aware. However, the CAL handles very small amounts of chemical agent that would minimize the potential for harm.
- (b) Extent of Deviation – Minor – The TOCDF was in compliance with this requirement the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.54

Finding Description – The TOCDF failed to have ACAMS and DAAMS instruments monitoring the Equipment Hydraulic Module (EHM) while personnel were in the EHM. In a letter dated October 21, 2004, DSHW Tracking Number 04.03799, the TOCDF reported that on October 5, 2004, workers entered the EHM multiple times over a four-hour period while both the ACAMS and DAAMS were offline.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – Without any monitoring being done it would have been difficult to determine exposure levels if anything had happened to any of the workers in the area.

(b) Extent of Deviation – Minor – The TOCDF monitored the EHM correctly the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.55

Finding Description - In a letter dated February 25, 2005, DSHW Tracking Number 05.00989, the TOCDF reported that a temporary change was made to monitoring in the EHM and the DFS Room without a properly approved temporary change.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – This was a failure to follow the required procedures. Had the procedures been followed there would have been no change in the reduction in monitoring or the work being done. The areas are category B areas which do not normally see chemical agent. Workers were wearing supplied air respirators and appropriate PPE for the area.

(b) Extent of Deviation – Minor – The TOCDF followed the procedures for making temporary changes the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.56(a)

Finding Description – The TOCDF failed to ensure that all monitoring equipment was operating and in control during processing. In a letter dated April 4, 2005, DSHW Tracking Number 05.01393, the TOCDF reported on March 28, 2005, the VX and GB DAAMS tubes for stations WHS 912V and 912G did not aspirate for several hours.

Gravity based penalty from the matrix

(a) Potential for Harm – Minor – DAAMS Stations WHS 912V and 912G monitor the Building S-2 hazardous waste storage area. This building is detached and several yards away from the Munitions Demilitarization Building and stores closed containers of hazardous waste. No activity takes place in the building except the storage of these containers.

(b) Extent of Deviation – Minor – The TOCDF monitored the permitted storage area of Building S-2 correctly the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

**UTAH DIVISION OF SOLID AND HAZARDOUS WASTE
SETTLEMENT PENALTY NARRATIVE**

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.56(b)

Finding Description - The TOCDF failed to ensure that all monitoring equipment was operating and in control during processing. In a letter dated August 23, 2005, DSHW Tracking Number 05.02936, the TOCDF reported that ACAMS station ECV 208V was offline on August 9, 2005, while workers were in the room performing maintenance.

Gravity based penalty from the matrix

(a) Potential for Harm – Moderate – ACAMS Station ECV 208V monitors the Explosives Containment Vestibule (ECV). Although the workers in the room were wearing DPE suits it would have been impossible to know if agent readings had exceeded safe levels for the suits because the monitor was off-line.

(b) Extent of Deviation – Minor – The TOCDF had monitors operating and in control the majority of the time during this inspection period.

Percent increase/decrease for good faith – 15% decrease – The TOCDF reported this violation at the time of discovery.

Percent increase/decrease for willfulness/negligence – 10% increase – The control room operator in charge of this entry should have verified that the ACAMS was on-line prior to the workers entering the area.

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.1, 7.2(d)(e), 7.37, 7.38, 7.39(a)(b)(c), 7.41, 7.42, 7.43, 7.44, 7.45, 7.46(a)(b), 7.47, 7.48(a)(b), 7.49, 7.50, 7.51(a)(b), 7.52(a)(b)(c), 7.53, 7.54, 7.55, 7.56(a)(b)

Finding Description – Since January of 2005, the TOCDF has implemented several programs above and beyond the requirements of the facility Part B Permit and the rules and regulations. These programs are designed to achieve long-term, sustained improvement at the TOCDF in complying with the requirements of the facility Part B Permit and environmental rules and regulations. DSHW inspectors have observed reduced environmental non-compliances and improved awareness of environmental compliance issues among facility personnel.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – 25% decrease – Based on the good faith efforts shown by the TOCDF, the Executive Secretary has determined that it is appropriate to reduce the total penalty assessed against the TOCDF by the amount listed here.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

UTAH DIVISION OF SOLID AND HAZARDOUS WASTE SETTLEMENT PENALTY NARRATIVE

Desert Chemical Depot, Chemical Agent Munitions Disposal System, Tooele Chemical Agent Disposal Facility
NOV 0601001

Finding 7.2(a)(b)(c), 7.2(f), 7.3, 7.4(a)(b)(c)(d)(e), 7.5(b), 7.7, 7.8(d), 7.29, 7.31, 7.32, 7.33

Finding Description – Since October of 2005, the CAMDS has implemented several programs designed to improve compliance with the requirements of the facility Part B Permit and the rules and regulations. Some of the programs implemented by the CAMDS have yet to demonstrate their worth with improved compliance others have been working and improvements have been observed. The selected findings listed above are related to areas and operations that have demonstrated improved compliance since October of 2005.

Gravity based penalty from the matrix

(a) Potential for Harm – N/A

(b) Extent of Deviation – N/A

Percent increase/decrease for good faith – 10% decrease – Based on the good faith efforts shown by the CAMDS, the Executive Secretary has determined that it is appropriate to reduce the penalty assessed for selected findings against the CAMDS by the amount listed here.

Percent increase/decrease for willfulness/negligence – N/A

Percent increase/decrease for history of compliance/non-compliance – N/A

Percent increase/decrease for other unique factors – N/A

Increase for economic benefit – N/A

DRAFT PENALTY CALCULATIONS

SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.1	7.2(a)(1-5,8-11,13)	7.2(a)(6)	7.2(a)(7,12)
Finding Description	Failure to Submit Modification Request	Failure to Containerize Hazardous Waste	Failure to Containerize Hazardous Waste	Failure to Containerize Hazardous Waste
1. Gravity based penalty from the matrix	\$120.00	\$155.00	\$2,080.00	\$2,080.00
(a) Potential for Harm	Minor	Minor	Moderate	Moderate
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$120.00	\$155.00	\$2,080.00	\$2,080.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%			
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	15%	15%	15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	15%	15%	15%
10. Multiply item 4 by item 9	\$0.00	\$23.25	\$312.00	\$312.00
11. Add items 4 and 10	\$120.00	\$178.25	\$2,392.00	\$2,392.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$120.00	\$178.25	\$2,392.00	\$2,392.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$120.00	\$178.25	\$2,392.00	\$2,392.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$120.00	\$178.25	\$2,392.00	\$2,392.00

TOTAL THIS PAGE =	\$5,082.25	RUNNING TOTAL =	\$5,082.25
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.2(b)	7.2(c)	7.2(d)	7.2(e)
Finding Description	Incorrect Accumulation Start Dates	Open Container, No Label or Date	Greater Than 90 Day Storage	Failure to Containerize Hazardous Waste
1. Gravity based penalty from the matrix	\$155.00	\$155.00	\$120.00	\$120.00
(a) Potential for Harm	Minor	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)			\$40.00	
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)			100	
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$3,960.00	\$0.00
4. Add items 1 and 3	\$155.00	\$155.00	\$4,080.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease			15%	15%
6. Willfulness/negligence				
(a) Percent increase		100%		10%
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		15%	15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	115%	0%	10%
10. Multiply item 4 by item 9	\$0.00	\$178.25	\$0.00	\$12.00
11. Add items 4 and 10	\$155.00	\$333.25	\$4,080.00	\$132.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$333.25	\$4,080.00	\$132.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$333.25	\$4,080.00	\$132.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$333.25	\$4,080.00	\$132.00

TOTAL THIS PAGE =	\$4,700.25	RUNNING TOTAL =	\$9,782.50
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Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

SETTLEMENT PENALTY AMOUNT
NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.2(f)	7.2(g)	7.3	7.4(a)
Finding Description	Required Equipment Missing	Failure to Properly Inspect	Telephone Not Working	Failure to Properly Track Waste
1. Gravity based penalty from the matrix	\$2,080.00	\$120.00	\$155.00	\$155.00
(a) Potential for Harm	Moderate	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$120.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		15%		15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	15%	0%	15%
10. Multiply item 4 by item 9	\$0.00	\$18.00	\$0.00	\$23.25
11. Add items 4 and 10	\$2,080.00	\$138.00	\$155.00	\$178.25
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,080.00	\$138.00	\$155.00	\$178.25
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,080.00	\$138.00	\$155.00	\$178.25
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,080.00	\$138.00	\$155.00	\$178.25

TOTAL THIS PAGE =	\$2,551.25	RUNNING TOTAL =	\$12,333.75
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.4(b)	7.4(c)	7.4(d)	7.4(e)
Finding Description	Failure to Properly Track Waste	Failure to Properly Track Waste	Failure to Properly Track Waste	Failure to Record Waste Description
1. Gravity based penalty from the matrix	\$1,600.00	\$1,600.00	\$2,080.00	\$120.00
(a) Potential for Harm	Moderate	Moderate	Moderate	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$1,600.00	\$1,600.00	\$2,080.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase	50%			
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	15%	15%	15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	65%	15%	15%	15%
10. Multiply item 4 by item 9	\$1,040.00	\$240.00	\$312.00	\$18.00
11. Add items 4 and 10	\$2,640.00	\$1,840.00	\$2,392.00	\$138.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,640.00	\$1,840.00	\$2,392.00	\$138.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,640.00	\$1,840.00	\$2,392.00	\$138.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,640.00	\$1,840.00	\$2,392.00	\$138.00

TOTAL THIS PAGE =	\$7,010.00	RUNNING TOTAL =	\$19,343.75
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.4(f)	7.5(a)	7.5(b)	7.6
Finding Description	See Penalty Narrative	Open Containers of Hazardous Waste	Open Containers of Hazardous Waste	See Penalty Narrative
1. Gravity based penalty from the matrix		\$155.00	\$2,080.00	
(a) Potential for Harm		Minor	Moderate	
(b) Extent of Deviation		Minor	Minor	
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$0.00	\$155.00	\$2,080.00	\$0.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		15%		
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	15%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$23.25	\$0.00	\$0.00
11. Add items 4 and 10	\$0.00	\$178.25	\$2,080.00	\$0.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$0.00	\$178.25	\$2,080.00	\$0.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$0.00	\$178.25	\$2,080.00	\$0.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$0.00	\$178.25	\$2,080.00	\$0.00

TOTAL THIS PAGE =	\$2,258.25	RUNNING TOTAL =	\$21,602.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.7	7.8(a)	7.8(b)	7.8(c)
Finding Description	Using Unapproved Version of Permit	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain
1. Gravity based penalty from the matrix	\$1,600.00	\$1,600.00	\$6,760.00	\$1,600.00
(a) Potential for Harm	Moderate	Moderate	Major	Moderate
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$1,600.00	\$1,600.00	\$6,760.00	\$1,600.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase	100%	25%	20%	
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	100%	25%	20%	0%
10. Multiply item 4 by item 9	\$1,600.00	\$400.00	\$1,352.00	\$0.00
11. Add items 4 and 10	\$3,200.00	\$2,000.00	\$8,112.00	\$1,600.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$3,200.00	\$2,000.00	\$8,112.00	\$1,600.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$3,200.00	\$2,000.00	\$8,112.00	\$1,600.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$3,200.00	\$2,000.00	\$8,112.00	\$1,600.00

TOTAL THIS PAGE =	\$14,912.00	RUNNING TOTAL =	\$36,514.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.8(d)	7.9	7.10	7.11
Finding Description	Failure to Properly Operate and Maintain	See Penalty Narrative	Failure to Operate to Minimize Release	Failure to Follow Inspection Procedures
1. Gravity based penalty from the matrix	\$2,080.00		\$6,760.00	\$155.00
(a) Potential for Harm	Moderate		Major	Minor
(b) Extent of Deviation	Minor		Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$0.00	\$6,760.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase			30%	
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase			15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	45%	15%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$3,042.00	\$23.25
11. Add items 4 and 10	\$2,080.00	\$0.00	\$9,802.00	\$178.25
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,080.00	\$0.00	\$9,802.00	\$178.25
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,080.00	\$0.00	\$9,802.00	\$178.25
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,080.00	\$0.00	\$9,802.00	\$178.25

TOTAL THIS PAGE =	\$12,060.25	RUNNING TOTAL =	\$48,574.25
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.12(a)	7.12(b)	7.13(a)	7.13(b)
Finding Description	Failure to Follow Preparedness and Prevention Plan	Failure to Follow Preparedness and Prevention Plan	Failure to Follow Contingency Plan	Failure to Follow Contingency Plan
1. Gravity based penalty from the matrix (a) Potential for Harm (b) Extent of Deviation	\$9,100.00 Major Moderate	\$2,080.00 Moderate Minor	\$2,080.00 Moderate Minor	\$120.00 Minor Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row) (a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$9,100.00	\$2,080.00	\$2,080.00	\$120.00
5. Good Faith (a) Percent increase (b) Percent decrease		15%		
6. Willfulness/negligence (a) Percent increase (b) Percent decrease	10%			
7. History of compliance/noncompliance (a) Percent increase (b) Percent decrease			15%	15%
8. Other unique factors (a) Percent increase (b) Percent decrease				
9. Total items 5 through 8	10%	-15%	15%	15%
10. Multiply item 4 by item 9	\$910.00	-\$312.00	\$312.00	\$18.00
11. Add items 4 and 10	\$10,010.00	\$1,768.00	\$2,392.00	\$138.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$10,010.00	\$1,768.00	\$2,392.00	\$138.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$10,010.00	\$1,768.00	\$2,392.00	\$138.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$10,010.00	\$1,768.00	\$2,392.00	\$138.00

TOTAL THIS PAGE =	\$14,308.00	RUNNING TOTAL =	\$62,882.25
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.14	7.15	7.16	7.17
Finding Description	Failure to Continously Monitor Filter Stack	Failure to Continously Monitor Filter Stack	Failure to Pull and Analyze DAAMS Tubes	Mixing Incompatible Materials
1. Gravity based penalty from the matrix	\$1,600.00	\$1,600.00	\$155.00	\$120.00
(a) Potential for Harm	Moderate	Moderate	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$1,600.00	\$1,600.00	\$155.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease			15%	15%
6. Willfulness/negligence				
(a) Percent increase	30%			10%
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase			15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	30%	0%	0%	10%
10. Multiply item 4 by item 9	\$480.00	\$0.00	\$0.00	\$12.00
11. Add items 4 and 10	\$2,080.00	\$1,600.00	\$155.00	\$132.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,080.00	\$1,600.00	\$155.00	\$132.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,080.00	\$1,600.00	\$155.00	\$132.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,080.00	\$1,600.00	\$155.00	\$132.00

TOTAL THIS PAGE =	\$3,967.00	RUNNING TOTAL =	\$66,849.25
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.18(a)	7.18(b)	7.19(a)	7.19(b)
Finding Description	Exceeding Sump Storage Time Limit	See Penalty Narrative	Exceeding Feed Rates	Exceeding Feed Rates
1. Gravity based penalty from the matrix	\$120.00		\$1,600.00	\$155.00
(a) Potential for Harm	Minor		Moderate	Minor
(b) Extent of Deviation	Minor		Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)			\$1,600.00	
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)			2	
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$1,600.00	\$0.00
4. Add items 1 and 3	\$120.00	\$0.00	\$3,200.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%			15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	0%	0%	-15%
10. Multiply item 4 by item 9	-\$18.00	\$0.00	\$0.00	-\$23.25
11. Add items 4 and 10	\$102.00	\$0.00	\$3,200.00	\$131.75
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$102.00	\$0.00	\$3,200.00	\$131.75
14. Calculate economic benefit				
15. Add items 13 and 14	\$102.00	\$0.00	\$3,200.00	\$131.75
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$102.00	\$0.00	\$3,200.00	\$131.75

TOTAL THIS PAGE =	\$3,433.75	RUNNING TOTAL =	\$70,283.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.20	7.21(a) and (b)	7.22	7.23
Finding Description	Failure to Monitor Exhaust	Failure to Use Calibrated Instruments	Failure to Have Log Books	Failure to Perform Baseline Study
1. Gravity based penalty from the matrix	\$900.00	\$1,600.00	\$155.00	\$155.00
(a) Potential for Harm	Minor	Moderate	Minor	Minor
(b) Extent of Deviation	Major	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$140.00			
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	180			
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$25,060.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$25,960.00	\$1,600.00	\$155.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$25,960.00	\$1,600.00	\$155.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$25,960.00	\$1,600.00	\$155.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$25,960.00	\$1,600.00	\$155.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$25,960.00	\$1,600.00	\$155.00	\$155.00

TOTAL THIS PAGE =	\$27,870.00	RUNNING TOTAL =	\$98,153.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.24	7.25	7.26(a)	7.26(b)
Finding Description	Failure to Record Required Information	Failure to Resample or Fix Sample Lines	See Penalty Narrative	Failure to Submit P&A Studies for Review
1. Gravity based penalty from the matrix	\$155.00	\$2,080.00		\$1,170.00
(a) Potential for Harm	Minor	Moderate		Minor
(b) Extent of Deviation	Minor	Minor		Major
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$155.00	\$2,080.00		
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	3	7		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$310.00	\$12,480.00	\$0.00	\$0.00
4. Add items 1 and 3	\$465.00	\$14,560.00	\$0.00	\$1,170.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$465.00	\$14,560.00	\$0.00	\$1,170.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$465.00	\$14,560.00	\$0.00	\$1,170.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$465.00	\$14,560.00	\$0.00	\$1,170.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$465.00	\$14,560.00	\$0.00	\$1,170.00

TOTAL THIS PAGE =	\$16,195.00	RUNNING TOTAL =	\$114,348.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.27(a)	7.27(b)	7.28	7.29
Finding Description	Failure to Change Conversion Pads	See Penalty Narrative	Failure to Challenge Sample Line	Failure to Follow Lab Procedures
1. Gravity based penalty from the matrix	\$155.00		\$4,160.00	\$155.00
(a) Potential for Harm	Minor		Moderate	Minor
(b) Extent of Deviation	Minor		Major	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)			\$210.00	
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)			180	
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$37,590.00	\$0.00
4. Add items 1 and 3	\$155.00	\$0.00	\$41,750.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$155.00	\$0.00	\$41,750.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$155.00	\$0.00	\$41,750.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$155.00	\$0.00	\$41,750.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$155.00	\$0.00	\$41,750.00	\$155.00

TOTAL THIS PAGE =	\$42,060.00	RUNNING TOTAL =	\$156,408.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.30	7.31(a) and (b)	7.32	7.33
Finding Description	See Penalty Narrative	Failure to Secure Haz Waste Storage Areas	Exceeding Number of Pallets Per Row in Storage	Aisle Space Smaller Than Required
1. Gravity based penalty from the matrix		\$155.00	\$120.00	\$155.00
(a) Potential for Harm		Minor	Minor	Minor
(b) Extent of Deviation		Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)		\$155.00		
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)		2		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$155.00	\$0.00	\$0.00
4. Add items 1 and 3	\$0.00	\$310.00	\$120.00	\$155.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	0%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$0.00	\$310.00	\$120.00	\$155.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$0.00	\$310.00	\$120.00	\$155.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$0.00	\$310.00	\$120.00	\$155.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$0.00	\$310.00	\$120.00	\$155.00

TOTAL THIS PAGE =	\$585.00	RUNNING TOTAL =	\$156,993.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.34	7.35 (a) and (b)	7.36	7.37
Finding Description	Failure to Monitor According to Plan	Failure to Follow Monitoring Plan	Failure to Follow Monitoring Plan	Failure to Orally Report Leaks
1. Gravity based penalty from the matrix	\$2,080.00	\$11,700.00	\$520.00	\$120.00
(a) Potential for Harm	Moderate	Major	Minor	Minor
(b) Extent of Deviation	Minor	Major	Moderate	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)		\$11,700.00		
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)		2		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$11,700.00	\$0.00	\$0.00
4. Add items 1 and 3	\$2,080.00	\$23,400.00	\$520.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease				15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	0%	-15%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	-\$18.00
11. Add items 4 and 10	\$2,080.00	\$23,400.00	\$520.00	\$102.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$2,080.00	\$23,400.00	\$520.00	\$102.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$2,080.00	\$23,400.00	\$520.00	\$102.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$2,080.00	\$23,400.00	\$520.00	\$102.00

TOTAL THIS PAGE =	\$26,102.00	RUNNING TOTAL =	\$183,095.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.38	7.39(a)	7.39(b)	7.39(c)
Finding Description	Failure to Submit Written Leak Reports	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain	Failure to Properly Operate and Maintain
1. Gravity based penalty from the matrix	\$120.00	\$710.00	\$120.00	\$120.00
(a) Potential for Harm	Minor	Major	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$120.00	\$710.00	\$120.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase		15%	15%	15%
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	0%	0%	0%
10. Multiply item 4 by item 9	-\$18.00	\$0.00	\$0.00	\$0.00
11. Add items 4 and 10	\$102.00	\$710.00	\$120.00	\$120.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$102.00	\$710.00	\$120.00	\$120.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$102.00	\$710.00	\$120.00	\$120.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$102.00	\$710.00	\$120.00	\$120.00

TOTAL THIS PAGE =	\$1,052.00	RUNNING TOTAL =	\$184,147.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.40	7.41	7.42	7.43
Finding Description	See Penalty Narrative	Failure to Follow Inspection Plan	Failure to Follow Training Plan	Failure to Monitor ONCs
1. Gravity based penalty from the matrix		\$120.00	\$155.00	\$120.00
(a) Potential for Harm		Minor	Minor	Minor
(b) Extent of Deviation		Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$0.00	\$120.00	\$155.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease		15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	15%	15%	15%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	15%	0%	0%	-15%
10. Multiply item 4 by item 9	\$0.00	\$0.00	\$0.00	-\$18.00
11. Add items 4 and 10	\$0.00	\$120.00	\$155.00	\$102.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$0.00	\$120.00	\$155.00	\$102.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$0.00	\$120.00	\$155.00	\$102.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$0.00	\$120.00	\$155.00	\$102.00

TOTAL THIS PAGE =	\$377.00	RUNNING TOTAL =	\$184,524.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.44	7.45	7.46 (a) and (b)	7.47
Finding Description	Exceeding Sump Capacity	Exceeding Sump Storage Time Limit	Using Units Prior to Receiving Certification	Improperly Set Waste Feed Cut-Offs
1. Gravity based penalty from the matrix	\$120.00	\$120.00	\$120.00	\$120.00
(a) Potential for Harm	Minor	Minor	Minor	Minor
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)			\$120.00	
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)			2	
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$120.00	\$0.00
4. Add items 1 and 3	\$120.00	\$120.00	\$240.00	\$120.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	15%		15%	
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	-15%	0%	-15%
10. Multiply item 4 by item 9	\$0.00	-\$18.00	\$0.00	-\$18.00
11. Add items 4 and 10	\$120.00	\$102.00	\$240.00	\$102.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$120.00	\$102.00	\$240.00	\$102.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$120.00	\$102.00	\$240.00	\$102.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$120.00	\$102.00	\$240.00	\$102.00

TOTAL THIS PAGE =	\$564.00	RUNNING TOTAL =	\$185,088.00
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.48(a)	7.48(b)	7.49	7.50
Finding Description	Failure Operate Equipment as Permitted	Exceeding Permitted Storage Limits	Failure to Notify of Insufficient Drain	Failure to Monitor Overpack Containers
1. Gravity based penalty from the matrix	\$120.00	\$120.00	\$120.00	\$5,200.00
(a) Potential for Harm	Minor	Minor	Minor	Major
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$120.00			\$710.00
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	16			58
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$1,800.00	\$0.00	\$0.00	\$40,470.00
4. Add items 1 and 3	\$1,920.00	\$120.00	\$120.00	\$45,670.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase		10%		
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-5%	-15%	-15%
10. Multiply item 4 by item 9	-\$288.00	-\$6.00	-\$18.00	-\$6,850.50
11. Add items 4 and 10	\$1,632.00	\$114.00	\$102.00	\$38,819.50
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$1,632.00	\$114.00	\$102.00	\$38,819.50
14. Calculate economic benefit				
15. Add items 13 and 14	\$1,632.00	\$114.00	\$102.00	\$38,819.50
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$1,632.00	\$114.00	\$102.00	\$38,819.50

TOTAL THIS PAGE =	\$40,667.50	RUNNING TOTAL =	\$225,755.50
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.51 (a) and (b)	7.52 (a),(b),and (c)	7.53	7.54
Finding Description	Failure to Change Conversion Pads	Failure to Change Conversion Pads	Failure of Remote Alarm	Failure to Follow Monitoring Plan
1. Gravity based penalty from the matrix	\$120.00	\$155.00	\$1,600.00	\$1,600.00
(a) Potential for Harm	Minor	Minor	Moderate	Moderate
(b) Extent of Deviation	Minor	Minor	Minor	Minor
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)	\$120.00	\$155.00		
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)	3	3		
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$240.00	\$310.00	\$0.00	\$0.00
4. Add items 1 and 3	\$360.00	\$465.00	\$1,600.00	\$1,600.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	15%
6. Willfulness/negligence				
(a) Percent increase				
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase	15%	15%		
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	0%	0%	-15%	-15%
10. Multiply item 4 by item 9	\$0.00	\$0.00	-\$240.00	-\$240.00
11. Add items 4 and 10	\$360.00	\$465.00	\$1,360.00	\$1,360.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$360.00	\$465.00	\$1,360.00	\$1,360.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$360.00	\$465.00	\$1,360.00	\$1,360.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$360.00	\$465.00	\$1,360.00	\$1,360.00

TOTAL THIS PAGE =	\$3,545.00	RUNNING TOTAL =	\$229,300.50
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SETTLEMENT PENALTY AMOUNT

Comany Name: DCD, CAMDS, TOCDF
ID#:UT5210090002

NOV#: 0601001
NOV Date: March 9, 2006

Prepared By: Thomas Ball
Date Prepared: 7/14/2006
Date Revised: 8/30/2006

Finding number (from NOV)	7.55	7.56(a)	7.56(b)	
Finding Description	Failure to Follow Monitoring Plan	Failure to Follow Monitoring Plan	Failure to Follow Monitoring Plan	
1. Gravity based penalty from the matrix	\$120.00	\$120.00	\$2,080.00	
(a) Potential for Harm	Minor	Minor	Moderate	
(b) Extent of Deviation	Minor	Minor	Minor	
2. Select an amount from the appropriate multiday matrix cell (for multi-event calculations enter the amount from item 1 above in this row)				
(a) Number of days of violation (1 will be subtracted from this number to calculate penalty)				
3. Multiply Item 2 by the number of days of violation minus 1 (or other number, as appropriate)	\$0.00	\$0.00	\$0.00	\$0.00
4. Add items 1 and 3	\$120.00	\$120.00	\$2,080.00	\$0.00
5. Good Faith				
(a) Percent increase				
(b) Percent decrease	15%	15%	15%	
6. Willfulness/negligence				
(a) Percent increase			10%	
(b) Percent decrease				
7. History of compliance/noncompliance				
(a) Percent increase				
(b) Percent decrease				
8. Other unique factors				
(a) Percent increase				
(b) Percent decrease				
9. Total items 5 through 8	-15%	-15%	-5%	0%
10. Multiply item 4 by item 9	-\$18.00	-\$18.00	-\$104.00	\$0.00
11. Add items 4 and 10	\$102.00	\$102.00	\$1,976.00	\$0.00
12. Adjustment for environmental project				
13. Subtract item 12 from item 11	\$102.00	\$102.00	\$1,976.00	\$0.00
14. Calculate economic benefit				
15. Add items 13 and 14	\$102.00	\$102.00	\$1,976.00	\$0.00
16. Adjustment amount for ability to pay				
17. Subtract item 16 from item 15 for final settlement total	\$102.00	\$102.00	\$1,976.00	\$0.00

TOTAL THIS PAGE =	\$2,180.00	GRAND TOTAL =	\$215,725.73
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TOCDF Good Faith Reduction (Total Penalty Minus 25%)	\$52,957.50	\$25,154.00	DCD Portion	\$178.25
CAMDS Good Faith Reduction (Selected Findings Minus 10%)	-\$13,239.38	-\$2,515.40	TOCDF Portion	\$39,718.13
	\$39,718.13	\$22,638.60	CAMDS Portion	\$175,829.35